

HANSEN Alissa H

From: Snyder, Carmel P. <CSnyder@aarp.org>
Sent: Monday, September 23, 2019 3:05 PM
To: *Eugene Mayor, City Council, and City Manager
Cc: HANSEN Alissa H
Subject: Accessory Dwelling Units
Attachments: ADU Letter to Council 9-23-19 (002).pdf

[EXTERNAL 

Sept. 23, 2019

Dear Mayor and Councilors,

Thank you for your time and consideration of the city's current Accessory Dwelling Unit (ADU) ordinances that remove barriers to Eugene housing options.

AARP is a nationwide organization of more than 38 million members – of those, almost 50,000 live in Eugene.

AARP Oregon supports zoning to allow accessory dwelling units, as outlined in SB 1053 and HB 2001. ADUs provide housing options for older adults and their families of all ages.

By the year 2030, the first of the Gen-Xers will be turning 65; and the first of the Millennials will be turning age 50. And, by the year 2035, there will be more Oregonians older than 65 than children 18 and younger. As the demographics in states and cities change, neighborhoods change and communities need to change as well. Zoning needs to reflect those changes.

The Accessory Dwelling Unit (ADU) is an affordable choice that can expand housing options for people of all ages. The ADU is generally a small, self-contained unit which can be detached, as with a cottage in the backyard of a single family home, or attached—above a garage, in an attic or in a basement space of a home. As a small foot-print housing type, it is an efficient, creative, and cost-effective option in the affordable housing toolkit and can be used by jurisdictions to rapidly increase the housing supply. The benefits of ADUs vary, from creating housing for caregivers or adding a rental unit for income generation.

We urge you to move forward in creating the options residents in your community need.

Respectfully submitted, on behalf of AARP Oregon

Carmel Perez Snyder, AARP OR Associate State Director (Ward 8, Eugene)

Carmel Perez Snyder
Director of Advocacy & Outreach, AARP Oregon
Phone: 541-525-8123
Email: csnyder@aarp.org

AARP Oregon is the premier organization for people 50+ and their families.

Sept. 23, 2019

Dear Mayor and Councilors,

Thank you for your time and consideration of the city's current Accessory Dwelling Unit (ADU) ordinances that remove barriers to Eugene housing options.

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Respectfully submitted, on behalf of AARP Oregon

Carmel Perez Snyder, AARP OR Associate State Director (Ward 8, Eugene)



HANSEN Alissa H

From: Jefferson Westside Neighbors <jwneugene@gmail.com>
Sent: Sunday, September 22, 2019 2:26 PM
To: HANSEN Alissa H; HOSTICK Robin A; SEMPLE Emily
Subject: ADU Rules impacts on S-C and S-JW Zones

[EXTERNAL 

Hi Alissa,
I hope this email finds you well.

We want to make sure that you and other city staff fully engage the JWN in the development of any proposed code amendments that would directly or indirectly affect the Chambers and/or Jefferson-Westside Special Area Zones. With respect to the recently proposed "ADU Code Amendments," it is our understanding is that only the amendments to Table 9.6410 (parking requirements) would have a substantive effect on the S-C and S-JW development standards. If you could please confirm if we are correct with that understanding, that would be great.

Concerning the two zones' parking requirements, we recommend that the "surgical" approach you mentioned at the Council work session could be accomplished with the following amendments:

For the S-C zone

The following entry in the "Dwellings" subsection of the "Residential" section in Table 9.6410 of the Eugene Code, 1971, is amended to provide as follows:

Table 9.6410 Required Off-Street Motor Vehicle Parking	
Uses	Minimum Number of Required Off-Street Parking Spaces
Residential	
Dwelling	
[Secondary] Accessory Dwelling (Either attached or detached from primary one-family dwelling on same lot) / For one additional one-family dwelling in the R-2 subarea of the S-C Chambers Special Area Zone	[1 per dwelling.] 0

For the S-JW zone

Subsection (7) of Section 9.3625 of the Eugene Code, 1971, is amended to provide as follows:

9.3625 S-JW Jefferson Westside Special Area Zone Development Standards.

(7) Parking Standards.

(a) Except as provided in (3)(d)3. Above **and subsection (b), below**, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-away where

parking is legal within the entirety of that twenty feet shall count as one on-street parking space. The twenty feet may not include any portion of a curb cut.

(b) When there are two or more dwellings and there is no on-street parking space, as defined in subsection (a), above, the parking space requirement may be waived for one dwelling that has primary vehicle access from the street and no more than three bedrooms.

[(b)](c) No portion of a vehicle parking area may be located in the area defined by the Street Setback minimum standard (i.e., from which structures, other than permitted intrusions, are excluded) or between the street and the residential building façade that faces, and is closest to, the street. (See Figure 9.3625(7)(b)).

Note that this amendment essentially counts any qualified on-street parking space towards one dwelling that is treated as the "ADU," thus satisfying the HB 2001 requirement that no off-street parking can be required for an ADU. The only case in which this doesn't apply is when there is no on-street parking, in which case the parking requirement is waived for one dwelling, which is implicitly considered as the "ADU." Importantly, this "ADU" must have street access because that's ultimately where the residents of the "ADU" would have to park, thus ensuring that any dwelling with its primary access from the alley has a parking space (per (3)(d)3).

=====

The above suggestions are tentative, pending comments from staff and review by the JWN board. Our intent is to expedite the ADU code adjustment process as far as we are concerned and maybe take a few items off your already lengthy to-do list.

We look forward to working with you in reviewing and revising the proposed code amendments.

Thank you for your hard work on this complex and, at times, contentious process.

Ted M. Coopman, Chair.

--

Jefferson Westside Neighbors

Executive Board

Eugene, OR

www.jwneugene.org

HANSEN Alissa H

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Saturday, September 21, 2019 8:06 AM
To: SYRETT Claire M; PRYOR Chris E; YEH Jennifer K
Cc: VINIS Lucy K; ZELENKA Alan; TAYLOR Betty L; SEMPLE Emily; CLARK Mike; EVANS Greg A; Eugene Planning Commission
Subject: Quit ignoring the evidence: Increasing allowable density with no appropriate regulations INCREASES housing costs

[EXTERNAL 

Councilors Syrett, Yeh and Pryor,

Your votes on the ADU ordinance at Monday's City Council meeting demonstrate that you continue to support a "YIMBY" strategy that removing regulations and increasing allowable density will lower housing costs. You are plain-and-simple WRONG!

The following article covers one of several credible research studies confirming what should be obvious to any critical thinker: When you increase zoning max density, the value of land increases and the cost and market value of developing that land increases. Thus, inexorably, the cost of new *and existing* housing increases.

[New MIT study suggests the Yimby narrative on housing is wrong](#)

As Daniel Patrick Moynihan said: "You are entitled to your opinion. But you are not entitled to your own facts."

In contrast to blowing up single-family neighborhoods, you should be supporting a strategy to (re)develop the land along the W. 6th and 7th Aves. EmX route, where most properties are zoned commercial *with no limit on dwelling density*. Thus, promoting and supporting housing and/or mixed-use development on this land would not increase the cost of nearby housing in the Westside and Whiteaker neighborhoods. With appropriate subsidies, such as MUPTE, at least a significant amount of the new housing could serve lower income households.

If you are going to continue the foolish "YIMBY" strategy, you owe Eugene citizens an explanation of the actual evidence you have that this won't make matters worse for lower-income households.

Paul Conte

Accredited Earth Advantage
Sustainable Homes Professional

HANSEN Alissa H

From: Beverley Mowery <beverley.mowery@gmail.com>
Sent: Friday, September 20, 2019 10:37 AM
To: HANSEN Alissa H
Subject: ADUs in Eugene

[EXTERNAL 

Hello. I am one of those people who can't find affordable housing in Eugene.

Please get this bill passed.

Ta.

Beverley Mowery

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Friday, September 20, 2019 1:17 PM
To: HARDING Terri L; HOSTICK Robin A; KINNISON Michael J; BRAUD Denny; HANSEN Alissa H
Subject: FW: Housing Policy

FYI

From: Rep Wilde <Rep.MartyWilde@oregonlegislature.gov>
Sent: Friday, September 20, 2019 7:25 AM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Housing Policy

[EXTERNAL 

Dear Councilors –

As the old curse puts it, we live in interesting times. As you requested, I voted no on HB 2001, which passed despite the opposition of most of the Eugene delegation. I wanted to write you today in light of your outreach to me about how to move forward.

First, while I appreciate the sentiment, I think it's counterproductive to advocate for the direct repeal of HB 2001. Bluntly, it's something that the Speaker views as both excellent policy and an enormous personal achievement. Advocating with her for its repeal on your behalf would serve no purpose and undermine any influence I may have with her. And, while we didn't get the result we'd hoped for, we were successful in moderating the proposal down from fourplexes to duplexes on each lot, getting more leeway on the placement of missing middle housing, and getting more time to implement. This is the hill she is willing to die on, politically, and she has chosen well. For all that we may not like it, HB 2001 passed with a comfortable bipartisan margin in the House. I see no reduction in support for it among my colleagues.

On that note, I would urge you to consider a conciliatory gesture before asking for more accommodation on implementation. While I appreciate the desire to move deliberately, she will notice and remember any significant further delay on ADU implementation. (I don't mean to make this all about the Speaker. Rep. Keny-Guyer, the HHS chair, shares her perspective.) Conversely, a prompt implementation on ADUs will indicate a willingness to cooperate that she will view favorably. Similarly, if the Council was willing to be more proactive on planning implementation of a certain kind of missing middle housing, I think that would help show good faith. I've been talking with interested parties about the cottage cluster concept. I think it's a good one, but it needs some work to make implementation (on appropriate lots) simpler. If Eugene were willing to work with Springfield on an accelerated process for approval, it would: 1) provide significant low income housing; 2) provide middle housing that matches neighborhood character; and 3) potentially keep money from the sale of manufactured housing parks in housing in the community. Successful implementation of this (or a similar) concept would then help me ask for the kind of accommodations the City is likely to seek on implementation of the other concepts. Conversely, flat opposition to any kind of implementation will irritate the Speaker, reduce my influence on your behalf, and result in the City having to pay for lengthy, expensive, and (likely) unsuccessful litigation.

Please don't view this as an attempt to 'tell you what to do'. You may certainly take whatever action you deem appropriate. I wanted to suggest the path forward I see most likely to achieve at least some of what you'd like to see and the one I see most likely to help me advocate on your behalf.

I regret that we were not able to do more on this subject for you.

Sincerely,

Rep. Marty Wilde
541-514-9712

HANSEN Alissa H

From: Sacred Medicine <drkellyf58@gmail.com>
Sent: Thursday, September 19, 2019 1:27 PM
To: *Eugene Mayor, City Council, and City Manager; HANSEN Alissa H; WE CAN
Subject: ADUs

[EXTERNAL 

Dear Mayor, Council Members and City Manager

It is with disappointment that I read the City Council did not take up the conversation of ADU regulations in Lane County. The nation is moving forward with revision of coding regulations to facilitate accommodating high density infill. The state is presenting coding changes to zoning restrictions to facilitate high density infill. At this time, Lane County will benefit from setting the stage to preserve historical structures and neighborhoods and design regulations that promote safety, preservation, but conscious infill. ADUs are an opportunity to have infill with less forest and land destruction than developments like the Furtick Development in Fairmount Neighborhood. This development slipped in under a "housing need" application.

I encourage Lane County representatives to move forward with making appropriate reviews of our neighborhoods, the ADU codes, the zoning codes and establishing criteria for retaining the preciousness and integrity of our architectural and neighborhood histories, while advancing to provide low cost housing support in the action of revised ADU regulations. I look forward to an era of sustainability, architectural and neighborhood preservation, and progressive thinking that provides members of our community with innovative, low-cost housing options.

Regards,
Dr Kelly Fitzpatrick

Dr Kelly M Fitzpatrick, BSN, MPS, ND
1695 Jefferson St
Eugene, OR 97402

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Wednesday, October 2, 2019 9:27 AM
To: HANSEN Alissa H
Subject: FW: building on flag lots

From: t spears <spears2012@msn.com>
Sent: Thursday, September 19, 2019 1:02 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: building on flag lots

[EXTERNAL 

Dear Mayor and Councilors,

In your discussion of building second dwellings on flag lots I would like you to consider my situation. I have lived in my home for over 30 years. We have a 13,800 foot lot, not including the flag portion. We have a seperate shop/garage/office building of 756 square feet. It was on the property when we purchased the house and would make an excellent second dwelling. We are 1/2 block from one of the best bus routes in the city. It could be a perfect setting for someone who does not own a car or uses Uber.

Before you vote on flag lot requirements I invite you to take a field trip and look at the possibilities.

We have the space, location and transportation to add to housing in this city.

Whether we would build it out or some future owner, I can't say. But not allowing it would be a missed opportunity, in my opinion.

Sincerely,

Tonya Spears
North East Eugene

HANSEN Alissa H

From: Bryna Livingston <brynalivingston@gmail.com>
Sent: Thursday, September 19, 2019 11:26 AM
To: HANSEN Alissa H
Subject: ADUs in Eugene

[EXTERNAL 

9/19/19

Ward 1

My husband and I would like to stay in our home as we age. We are ages 85 and 79. We have an outbuilding in back of our lot we'd like to turn into a small house to use for a caregiver if needed. It will be used as a rental until we need care. We seem to fit all criteria for existing codes, but the cost of the permits alone amounts to \$13,000. This puts this project out for reach.

Bryna and John Livingston
2071 Tyler St
Eugene, OR. 97405
541-501-3351

Sent from my iPhone

HANSEN Alissa H

From: JEROME Emily N
Sent: Tuesday, September 17, 2019 6:21 AM
To: HANSEN Alissa H
Subject: Fwd: Please ask City Attorney Jerome to explain her comment

Begin forwarded message:

From: Paul Conte <paul.t.conte@gmail.com>
Date: September 16, 2019 at 9:37:40 PM PDT
To: Mayor and Council <MayorAndCC@ci.eugene.or.us>
Cc: JEROME Emily N <EJerome@eugene-or.gov>
Subject: Please ask City Attorney Jerome to explain her comment

[EXTERNAL 

At tonight's work session, City Attorney Emily Jerome stated:

"Likewise, the provisions of State law that say that you have to allow an ADU on any lot where you allow single-family, in a zone for single-family, that provision is already in effect." View webcast recording at 8:08.

While HB 2001 requires that -- by 2002 -- the City allow a duplex on any lot that allows a single-family dwelling, I'm not aware of any provision that supports what Ms. Jerome advised councilors.

This point of law is, obviously, a nontrivial issue; and I would expect Ms. Jerome to be able to explain her advice so that councilors and citizens have an accurate understanding of what the law actually requires.

Paul Conte

Accredited Earth Advantage
Sustainable Homes Professional

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Monday, September 16, 2019 5:42 PM
To: HANSEN Alissa H; HOSTICK Robin A
Subject: FW: accessory housing

-----Original Message-----

From: Philip Nesbit <phirubie@gmail.com>
Sent: Monday, September 16, 2019 5:32 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: accessory housing

[EXTERNAL 

Dear Sirs:

I realize the lateness of this, but felt that it looks as though there will be no chance of that after tonight's meeting.

We have lived here for only 5 years, but are extremely worried about the quality of life here in the city we have found to be so lovely.

If these new rules regarding two buildings per single home lot are passed, we fear for Eugene's attractiveness.

1. Allowing dual homes on single lots, especially without requiring owner's presence will most certainly grind neighborhood quality of life down towards over-crowding and the disappearance of what currently exists in most of our neighborhoods.
2. Thinking this rule will ease our city's "homelessness" is misguided. The cost of renting or purchasing any of these accessory houses will be impossible for those on sub-standard income without doubling, tripling, etc. numbers of individuals per home. Think ghetto.
3. Not requiring owner presence will only speed the depredation. One need only to speak to members of our police force to know this.

It appears you are about to begin the ruination of one of Eugene's most attractive attributes.....its quiet neighborhoods within a city environment. I would urgently ask that you find a way for sizable input from those of us who live in these neighborhoods.

Sincerely,

Philip and Rubie Nesbit
3375 Alder St.
541-735-3850
phirubie@gmail.com

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Monday, September 16, 2019 5:41 PM
To: HANSEN Alissa H; HOSTICK Robin A
Subject: FW: Councilor Yeh's proposed revisions

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Monday, September 16, 2019 4:58 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Councilor Yeh's proposed revisions

[EXTERNAL 

Mayor and Councilors,

My councilor kindly provided me a copy of Councilor Yeh's e-mail sent at 3:31 p.m. today, apparently in response to concerns I raised in my e-mail *sent to councilors just 50 minutes prior to Councilor Yeh's message*.

Councilor Yeh states: "As they are written they would not affect the Jefferson-Westside or Chambers Area zones. Changing those would require another public hearing."

This appears to mean that Councilor Yeh believes her four amendments would not require a public hearing. The Councilor is wrong about the law, and such an actions will be appealed.

disturbingly, if Councilor Yeh's desire is to avoid a public hearing, she has certainly lost her compass as an elected official.

Every one of these four amendments would have substantial impacts on adjacent home owners -- yet Councilor Yeh believes these property owners have no right to weigh in at a public hearing?

Let me point out that Councilor Yeh's claim that these amendments would "enhance the livability of our community" is absurd and certainly is not a claim with which adjacent property owners, who would be impacted by these amendments, would agree.

Of course, Councilor Yeh lives in a subdivision which has CC&Rs that prohibit ADUs altogether. How convenient then to shut out the voices of other property owners not so privileged.

Councilor Yeh also represents a ward that has very few, if any, of the substandard alleys that crisscross the older, more compact, close-in neighborhoods. How convenient then to shut out the voices of property owners who have substandard alleys in back of their homes.

I have little doubt that Councilor Yeh doesn't actually understand one whit about the issues, such as dust, noise, storm water, and pedestrian safety that arise from unregulated development on substandard alleys, with no sidewalks, that

intersect every sidewalk along the standard streets. How convenient then to not consult with those property owners who actually experience the impacts of development on substandard alleys.

Councilor Yeh has provided no supporting evidence or analysis of the potential benefits or negative impacts of her proposals. It seems she's just bought the YIMBY false narrative hook-line-and-sinker that "single-family neighborhoods are the cause of the housing crisis." (Oh, except for her own subdivision, protected by CC&Rs.)

None of these amendments would provide the tiniest increment of actual aid to the *very low income* and *extremely low income* households that are the only category of Eugene households for which there is a *deficit* of affordable housing. There is no community benefit, except to developers and anti-single-family zealots.

In contrast, the community process that led to the development of the S-C and S-JW zones did extensive, on-the-ground research and analysis, which is in the findings for the Council's unanimous adoption of these zones. Too bad Councilor Yeh appears to have ignored this credible research before she decided "I know best!"

All of these amendments should be shot down unless and until there's a community-based process that determines where and how some code revisions in these four areas are warranted.

Councilor Yeh needs to get back to the sensibilities she once demonstrated as a neighborhood leader and quit drinking the Kool-Aid.

Paul Conte

Accredited Earth Advantage
Sustainable Homes Professional

HANSEN Alissa H

From: Alexis Biddle <alexis@friends.org>
Sent: Monday, September 16, 2019 3:56 PM
To: HANSEN Alissa H; *Eugene Mayor, City Council, and City Manager
Subject: ADU remand - 1000 Friends of Oregon comment
Attachments: SB1051_Eugene_1000_Friends.pdf

[EXTERNAL 

Dear City Council and Mayor Vinis,

You will find attached to this email the letter we submitted to you last year before the ADU LUBA remand. To comply with the provisions of SB1051, we maintain the same recommendations that Eugene amend its development code to reduce barriers for accessory dwelling units amending the following code requirements:

- ● **Lot area** – many lots that allow single family dwellings are smaller than the minimum area required under EC 9.2751(17)(a)(1)
- ● **Building size** – 10% of total lot area may effectively preclude building attached ADUs on smaller lots. A flat building maximum would avoid this problem. EC 9.2751(17)(a)(2)
- ● **Lot dimension** – the area specific lot dimension requirements of EC 9.2751(17)(c)(2) will not allow development of ADUs on some lots.

In addition to removing these barriers, we support the removal of requirements for **off street parking** and **owner occupancy** as was clarified under HB2001 and stated in the agenda packet for this meeting.

Please enter this email into the record for this decision to address the remand from LUBA on Eugene's implementation of SB 1051.

Thank you for your service and consideration on this matter.

Best,

Alexis Biddle
Pronouns: he/him/his
Urban Advocate
[1000 Friends of Oregon](#)
[503.497.1000](tel:503.497.1000)



Support a beautiful, bountiful Oregon for generations to come...[join us today!](#)



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Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155
Central Oregon Office • 155 NW Irving Ave • Bend, OR 97703 • (541) 797-6761

March 13, 2018

Eugene Planning Commission
C/O Alissa Hansen (Alissa.h.hansen@ci.eugene.or.us)
Planning Division
99 W. 10th Avenue
Eugene, Oregon 97401

RE: Implementation of SB 1051

Dear Commissioners,

1000 Friends of Oregon is a non-profit, charitable organization dedicated to working with Oregonians to support livable communities. Our membership includes hundreds of Eugene citizens who support the mission and values of the Oregon land use program. Among these Oregon values are the provision of equitable and diverse housing opportunities.

In the 2017 Legislative Session, 1000 Friends of Oregon worked with a coalition of partners to pass Senate Bill 1051 (chapter 745, Oregon Laws 2017), a bill that requires cities to comply with standards that promote affordable housing. By July 1st, 2018, cities are required to allow at least one accessory dwelling unit (ADU) for each detached single family dwelling in areas zoned for detached single family dwellings. Unfortunately, the phased approach contemplated by the City will not go far enough to meet the requirements of SB 1051. Phase one of the City's proposed draft ordinance will create:

"...limited changes solely aimed at compliance with the bill's requirement to allow secondary dwellings in areas zoned for detached single family homes by the July 1, 2018, deadline."¹

The language at issue in SB 1051 states:

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.²

The reason that the City's proposed phase one of SB 1051 implementation is not sufficient is because it is not possible to allow the required minimum of at least one ADU for each detached single family dwelling, if existing standards in the Eugene Code remain. While some of the existing standards in the Eugene Code could be considered reasonable regulations relating to "siting and design," others standards could preclude property owners from exercising their right to build at least one ADU per single family dwelling on their lot. Standards in the existing code³

¹ Eugene City Council Agenda Item Summary , Agenda Item Number B, January 17th, 2018.

² Section 6, Chapter 745, Oregon Laws 2017.

³ See EC 9.2751(17)



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that could preclude development of ADUs on any lot with a single family dwelling include, but are not limited to:

- **Lot area** – many lots that allow single family dwellings are smaller than the minimum area required under EC 9.2751(17).
- **Building size** – 10% of total lot area may effectively preclude building attached ADUs on smaller lots. A flat building maximum would avoid this problem.
- **Lot dimension** – the area specific lot dimension requirements of EC 9.2751(17) will not allow development of ADUs on some lots.

To the extent that these provisions of the Eugene Code prevent the development of ADUs on lots with single family dwellings, state law will preempt local regulations and the broad provisions of ORS 197.312(5) apply to land use decisions for ADUs in zones that allow single family dwellings after July 1st, 2018.

The City of Springfield recently passed Ordinance 6376 and we encourage the City of Eugene to take a similar proactive approach to implementing SB 1051 and encouraging affordable housing. Notable amendments to the Springfield Development Code include:

- Allow an existing small dwelling to become an ADU (if it is less than 800 square feet), and build a primary dwelling unit.
- Allow ADUs on properties zoned medium and high density residential.
- Remove the minimum size requirement of 300 square feet for an ADU.
- Remove the ratio requirement (an ADU could not exceed 40 percent of the primary dwelling unit), while maintaining the maximum ADU size of 800 square feet.
- Allow more flexibility in the location of the entrance to the ADU.
- Waive the off-street parking requirement if there is on-street parking available (and there are no adopted plans to remove the on-street parking).
- Allow an *unpaved* parking space on-site in certain situations.
- Remove requirement for the property owner to live on site.
- Allow more options for meeting design standards.
- Allow manufactured homes (Type 2) and approved towable structures as ADUs so long as they are permitted, inspected, and approved by the local authority.

1000 Friends of Oregon supports efforts to hold inclusive discussions about how to meet Eugene's housing needs in the longer term and will be a partner in that effort. For now, we support updating the Eugene Code to meet the requirements of SB 1051 described above. Thank you for considering our suggestions to encourage Eugene to grow affordable and livable neighborhoods.

Sincerely,

Alexis Biddle
Urban Circuit Rider
1000 Friends of Oregon

HANSEN Alissa H

From: YEH Jennifer K
Sent: Monday, September 16, 2019 3:32 PM
To: *Eugene Mayor, City Council, and City Manager
Cc: HANSEN Alissa H; JEROME Emily N
Subject: Re: ADU Ordinance

Sorry for the late email. Here is the exact wording for my amendments. As they are written they would not affect the Jefferson-Westside or Chambers Area zones. Changing those would require another public hearing.

I think that would be the right way to go but I decided to start with this.

Either way the ordinance would need to come back with revisions. Thank you.

1. Move to direct the City Manager to revise the draft ordinance to eliminate the ADU standards for the AG, R-1, R-2, R-3, R-4 and S-E zones that apply only to flag lots, making ADUs on flag lots in those zones subject to the same flag lot standards that apply on regular (non-flag lot) lots in the same zone.

2. Move to direct the City Manager to revise the draft ordinance to allow ADUs on alley-access lots in the R-1, R-2, R-3, and R-4 zones, subject to the same ADU standards that apply on regular (street access) lots in the same zone.

3. Move to direct the City Manager to revise the draft ordinance to remove the barriers to above-garage ADUs in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback.

4. Move to direct the City Manager to revise the draft ordinance to remove barriers to ADUs on sloped lots in the AG, R-1, R-2, R-3, R-4 and S-E zones by adjusting the standards for ADU building height and interior setback.

Jennifer Yeh
Eugene City Council
Ward 4

From: YEH Jennifer K <JYeh@eugene-or.gov>
Sent: Friday, September 13, 2019 7:22 AM
To: *Eugene Mayor, City Council, and City Manager

Cc: HANSEN Alissa H; JEROME Emily N

Subject: ADU Ordinance

Mayor, Councilors and City Manager,

On Monday, Sept 16 I will be making several motions in relation to our ADU discussion. I do not have the exact wording yet, but the motions will be designed to eliminate barriers to ADUs, create consistency, enhance the livability of our community and ensure our land use rules are reasonable.

The four motions are in the areas of:

Flag lots

Alley Access Lots

Building Height

Sloped Setback

Thank you,

Jennifer

Jennifer Yeh

Eugene City Council

Ward 4

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Monday, September 16, 2019 5:40 PM
To: HOSTICK Robin A; HANSEN Alissa H
Subject: FW: Support the ADU's and reduce archaic restrictions

From: Timothy Morris <timothymorrisoregon@gmail.com>
Sent: Monday, September 16, 2019 3:09 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Support the ADU's and reduce archaic restrictions

[EXTERNAL 

Mayor, Council, and Staff,

I am urging you to once again lift restrictions to the Accessory Dwelling Units and end unnecessary roadblocks to affordable and accessible housing.

Thank you.

--

Timothy Morris
Pronouns: He/Him/His
Community Organizer
TimothyMorrisOregon@gmail.com
(650) 303-5398

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 2:43 PM
To: HANSEN Alissa H
Subject: FW: Last-minute, substantial proposed amendments to ADU ordinance highly irregular

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Monday, September 16, 2019 2:41 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Last-minute, substantial proposed amendments to ADU ordinance highly irregular

[EXTERNAL 

Mayor and Councilors,

Although Eugene citizens have not been provided any notice, I understand that Councilor Yeh has indicated she intends to offer four radical amendments to the proposed ADU ordinance.

I've been told that the amendments would:

1. Treat "flag lots" the same as standard lots.
2. Treat "alley access" lots the same as standard lots.
3. Apply the same maximum building high to ADUs as to non-ADU dwellings.
4. Apply the same minimum setbacks to ADUs as to non-ADU dwellings.

If the information I received is incorrect, I would request that Councilor Yeh describe her plans.

If the Council were to approve any of these amendments and approve the amended ordinance, it would be a clear violation of Goal 1 -- Citizen Involvement and a violation of statutory requirements for notice and public hearing.

If Councilor Yeh wishes to have citizens informed and provided an opportunity on such ill-advised code amendments, that's her prerogative. However, to attempt to have the Council adopt them as law tonight would be a serious misjudgement.

Every Councilor who respects the democratic process and citizen involvement should delay action on this ordinance and direct the City Manager to properly and fully engage inform citizens.

For the record, I am raising this potential action as a basis for subsequent appeal.

Thank you,

Paul Conte
1461 W. 10th Ave.
Eugene, OR 97402

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 10:19 AM
To: HANSEN Alissa H
Subject: FW: Request for public hearing re: ADUs and SB 1051/HB 2001

From: Kari Parsons <parsons.kari@gmail.com>
Sent: Monday, September 16, 2019 10:05 AM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>; Eugene Council Public Mailbox <CouncilPublic@ci.eugene.or.us>
Subject: Request for public hearing re: ADUs and SB 1051/HB 2001

[EXTERNAL 

Dear Mayor, Council, and City Manager:

Many land use regulations have been thrown at localities in Oregon as of late. We need time -- and sufficient public input -- to interpret and respond to these new laws in ways that strengthen Envision Eugene, not undermine it. Therefore, I would like to request that the Council postpone a vote on the changes to satisfy SB 1051 and the initial part of HB 2001. Instead, please ask for a public hearing and engage the normal public process for land use regulation changes.

Neither the remand of the LUBA decision concerning ADUs or changes for HB 2001 have had a public hearing and this is the first time the recommended code changes for ADUs has been available. Any vote to approve the changes seems premature.

Kind regards,

Kari Parsons
2215 University St

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:23 AM
To: HANSEN Alissa H
Subject: Fwd: Delay a vote on code changes for ADU's

Begin forwarded message:

From: STEVEN SHANKMAN <mmws@comcast.net>
Date: September 15, 2019 at 10:14:44 PM PDT
To: mayorandcc@ci.eugene.or.us
Subject: Re: Delay a vote on code changes for ADU's
Reply-To: STEVEN SHANKMAN <mmws@comcast.net>

[EXTERNAL 

Dear Mayor Vinis and City Council Members,

I am writing to urge you to postpone a decision on additional code changes for ADUs until these issues are discussed in the normal public process involving neighborhood associations and residents. We depend on our elected representatives to approach matters of such importance to neighborhoods and the community judiciously. To rush ahead with a vote on these changes without addressing problems of parking, infrastructure, and short-term or airbnb rentals risks irreparable damage to our neighborhoods.

I hope that you will delay a vote on these changes until the public has a chance to weigh in.

Sincerely,

Marsha Shankman

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:21 AM
To: HANSEN Alissa H
Subject: Fwd: HB2001 and ADU ordinance

Begin forwarded message:

From: PEAK <robertr9@epud.net>
Date: September 15, 2019 at 8:57:28 PM PDT
To: mayorcouncilandcitymanager@ci.eugene.or.us
Subject: HB2001 and ADU ordinance

[EXTERNAL 

Your Honor, Councilors, and Mr. Ruiz:

I hope this finds you well. Please consider the following in your deliberations on the above-mentioned matters.

The City's website indicates that at a Work Session scheduled for 5:30 9/16, the Council will be discussing issues relating to "Accessory Dwellings." An article in The Register-Guard suggests that City staff, if not the Council, are operating on the assumption that HB2001 is and will remain valid law in Oregon. ("Eugene revisits accessory dwellings," 9/15/19, p. B1.)

I write to ask that in its deliberations, the Council take into account the prospect that House Bill 2001 may yet be successfully challenged in court and/or repealed at the next session of the Legislature.

I also understand substantial amendments regarding ADUs have been proposed without any opportunity for public consideration and comment. I therefore also propose that the Council delay a final vote on the proposed ordinance to comply with the public process requirement of State Planning Goal 1.

If HB2001 is not repealed or overturned in court, there is plenty of time for the Council to act on implementing its requirements. By the terms of Enrolled House Bill 2001 ("the Act"), Eugene, as a city subject to section 2 (2) of the Act, has until June 30, 2022 to adopt land use regulations or amend its comprehensive plan to implement section 2 of the Act. Section 2 (2) of the Act is the provision that applies the Act's requirements to cities with a population of 25,000 or more.

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>.

The Act proposes to ride roughshod over the very concept of local control and public involvement in planning, and may be successfully challengeable on any of a number of possible grounds. To delay action to implement the Act locally pending the next legislative session and/or possible legal challenges would be eminently sensible under the circumstances.

HB2001 has been touted as a solution to the problem of inadequate affordable housing. This view of the Act is at this point no more than a hypothesis, and one supported by zero evidence, at that.

In an editorial published prior to the passage of HB2001, The Register-Guard ("The R-G" or "The Guard") presented a comprehensive discussion that established, in effect, that the bill had no basis in fact or logic, and that:

The real winners if HB2001 passes will be developers, not people who can't afford a home. The bill doesn't require that the new missing middle homes actually be affordable. The type of new construction that would happen under these zoning changes would be compact, modern multi-family buildings that take up entire lots. So long lawns and trees. Meanwhile, neighbors risk declining property values when noise increases, privacy decreases and an absentee landlord doesn't care.

The end of single-family zoning could even wind up being counterproductive, reducing the supply of affordable housing in many places. Developers looking to make a profit will target older homes for demolition. They will then replace them with nice new apartments and duplexes that maximize their profit. But those older homes are the places most likely to be affordable now.

"Leave single-family housing alone," The-Register Guard (March 25, 2019, posted online at <https://www.registerguard.com/opinion/20190325/leave-single-family-housing-alone>).

As the editorial pointed out, HB2001 is a one-size-fits-all solution to a complex problem.

After the bill's passage, The R-G editorialized again, this time advising that, in effect, opponents of HB2001 assume a supine position and let "the law" run over us. This despite the fact that the criticisms outlined in the initial editorial remained as valid and persuasive as when they were initially made.

However, if there are valid grounds in law upon which a court may hold HB2001 invalid, that would be a vindication of the real law, as opposed to HB2001's illegitimate provisions. And of course, if the Act is repealed in the next legislative session, it would no longer be the law in any sense of that word.

During the Legislature's consideration of HB2001, there was massive public opposition expressed in voluminous testimony. Yet the Legislature ignored that opposition. In its first editorial, The Guard assumed that Oregon House Speaker Tina Kotek, chief sponsor of HB2001, was acting with the best of intentions. Even based on that assumption, as the R-G's first editorial pointed out,

Eugene and other cities need to find creative ways to encourage more affordable housing. Those can't be some grand scheme hatched in Portland and championed by a House speaker whose district is in that city. As [Eugene City Councilor Jennifer Yeh](#) noted in written testimony to lawmakers, "Different communities experience different challenges and have different needs and each community should have the freedom to plan accordingly."

Passage of the Act and the LUBA remand are major developments raising issues of substantial complexity. All things considered, it would be eminently reasonable to postpone the expenditure of City resources, including but not limited to extensive revisions to the City Code, on compliance with HB2001 until the dust has fully settled, by either the resolution of any legal challenges that may be posed to the Act or by the outcome of the effort to repeal it in the next session of the Legislature. And compliance with State Planning Goal 1 warrants delaying a vote on ordinance provisions upon which the public has not had an opportunity to comment.

Respectfully,
Robert Roth, 2510 Kincaid Street

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:21 AM
To: HANSEN Alissa H
Subject: Fwd: Please delay vote and hold public hearing re: ADU issues

Begin forwarded message:

From: Lauren Willis <lmw@uoregon.edu>
Date: September 15, 2019 at 8:15:19 PM PDT
To: "ALAN.ZELENKA@ci.eugene.or.us" <ALAN.ZELENKA@ci.eugene.or.us>,
"mayorandcc@ci.eugene.or.us" <mayorandcc@ci.eugene.or.us>
Subject: Please delay vote and hold public hearing re: ADU issues

[EXTERNAL 

To the Mayor and City Council,

I would like to request that the Council postpone a vote on the changes to satisfy SB 1051 and the initial part of HB 2001. While I realize that HB2001 and SB1051 are forcing the ADU issue, I strongly encourage the Council to delay passage of additional elements until both the staff and the public have a chance to weigh in. Please hold a public hearing and submit the changes to the normal public process.

Best,

Lauren Willis

SUN Resident

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:18 AM
To: HANSEN Alissa H
Subject: Fwd: Accessory Dwelling Units, Meeting agenda Sept 16

Begin forwarded message:

From: "John Quilter" <jquilter@peoplepc.com>
Date: September 15, 2019 at 2:00:52 PM PDT
To: <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Accessory Dwelling Units, Meeting agenda Sept 16

[EXTERNAL 

Dear Mayor, Council and City Manager,

I am disappointed to read once again that House Bill 2020 takes away from local communities the ability to require that accessory dwelling units have the primary unit owner occupied. This will make it more likely that wealthy investors will buy up homes and build ADUs both of which will become rental units. One only need to drive around our neighborhoods and it is not difficult to pick out rental homes among the much better maintained owner occupied homes where pride of ownership is evidenced in overall upkeep and attractively maintained lawns and gardens that enhance the neighborhood appearance and environment. Why would we want to enrich some investors at the expense of many who have worked hard to buy one home in an attractive neighborhood of their choice and take pride in its appearance.

Oregon bemoans a concentration of wealth with a few, and this policy promotes just that by enriching real estate investors with multiple units, all rented, on one lot that was formerly restricted to one residence per lot.

Furthermore, the relaxation of onsite parking requirements are recipe for congested unattractive street exacerbated by our current "skinny street" policies. I envision neighbor to neighbor wars on who can park where and where guests can park let alone the additional residents occupying ADUs.

I see ADUs as possible in many areas but only with reasonable LOCAL restrictions not a one size fits all policy handed down from on high by Salem.

John F. Quilter

1450 Russet Drive

Eugene 97401



Virus-free. www.avast.com

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:18 AM
To: HANSEN Alissa H
Subject: Fwd: Postpone City Council's ADU changes

Begin forwarded message:

From: Alan Meyer <ameyer@uoregon.edu>
Date: September 15, 2019 at 12:41:11 PM PDT
To: "mayorandcc@ci.eugene.or.us" <mayorandcc@ci.eugene.or.us>
Subject: Postpone City Council's ADU changes

[EXTERNAL 

Dear Mayor Vinis,

I'm writing to ask you to recommend the postponement of any final decisions about changing Eugene's regulations regarding ADUs (in response to HB2001). These decisions ought to be based on more careful consideration of implications and impacts, along with an opportunity for input from affected stakeholders.

Thank you for your consideration.

Alan Meyer, Professor Emeritus of Management
Charles H. Lundquist College of Business
University of Oregon
Eugene, OR 97403-1208
email: ameyer@uoregon.edu
mobile: 541.206.2138

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:20 AM
To: HANSEN Alissa H
Subject: Fwd: South University Neighborhood and HB2001 and SB1051

Begin forwarded message:

From: Constance Van Flandern <supergenius66@yahoo.com>
Date: September 15, 2019 at 12:30:50 PM PDT
To: "ALAN.ZELENKA@ci.eugene.or.us"
<ALAN.ZELENKA@ci.eugene.or.us>, "mayorandcc@ci.eugene.or.us"
<mayorandcc@ci.eugene.or.us>, City Council & City Manager Mayor
<mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: South University Neighborhood and HB2001 and SB1051
Reply-To: Constance Van Flandern <supergenius66@yahoo.com>

[EXTERNAL 

Dear Mayor and City Council,

I wish that you had a crystal ball while you make your critical decisions around the growth of Eugene. It's impossible to know the future of how new policies will change the character of the city, but we all want Eugene to mature in ways that benefit the most people. We want to be proud the the decisions we make now as they will have irreversible effects on Eugene and the way its citizens experience daily life.

Perhaps a look at the past will help inform future decisions. South University Neighborhood was originally incorporated into Eugene and named "Gross's Addition" in 1908. While the growth of Eugene was steady, selling lots in this new addition did not take off fully until Edison Elementary School was built in 1926. Once the new school was constructed the neighborhood filled in rapidly with families clamoring to live in the leafy, walkable neighborhood near school, work, parks, shopping and downtown. The neighborhood was affordable and attractive to a broad community. As it has grown, South University has become historic as one of the first residential neighborhoods of Eugene to still exist. Older residential neighborhoods were systematically infilled and then dismantled to make way for the parking lots, hospital buildings and commercial real estate of an expanding Eugene. In fact, many of the homes in the SUN were moved from those original neighborhoods in order to preserve them from destruction (including my house which was built in 1925 on 12th Avenue and moved to 20th Avenue in the SUN in August 1965). The SUN now faces the same future of destruction imminently if the City Council does not value it as essential in the character of Eugene. It is evident that developers and student residents do not concern themselves with the historic past, nor the character of the future, but only the profitability of the moment.

As a resident of the SUN, I understand that the neighborhood is centrally located in the heart of Eugene now, and that infill and density are critical to prevent city sprawl. However, I worry that the unique nature of this neighborhood and it's value to Eugene as a city will be drastically reduced if issues with parking, infrastructure, and additional rental issues are not addressed thoughtfully. It is obvious that any additional housing built near the University will be built for and competing with the student rental market-- which will not meet the goal of increasing affordable housing.

I hope you will be listening to SUNA about it's unique history and challenges to best meet the goals HB2001 and SB1051 purport to solve. Together we can work to grow Eugene wisely while preserving the essential characteristics that keep Eugene unique.

Thank you,

Constance Van Flandern

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:17 AM
To: HANSEN Alissa H
Subject: Fwd: ADU vote

Begin forwarded message:

From: Nancy Meyer <nancydmeyer6@gmail.com>
Date: September 15, 2019 at 11:20:42 AM PDT
To: "*Eugene Mayor, City Council, and City Manager"
<MayorCouncilandCityManager@ci.eugene.or.us>, Eugene Mayor Council
<mayorandcc@ci.eugene.or.us>
Subject: ADU vote

[EXTERNAL 

Dear Mayor and City Council,

While we realize that HB2001 and SB1051 are forcing the ADU issue, we strongly encourage the Council to delay passage of additional elements until both the staff and public have a chance to weigh in.

SUNA is the second densest neighborhood in town. Over half our population rents housing and many homes already have ADU's. Moving ahead on issues that ignore problems with parking, infrastructure, and additional rental issues (including short term rentals) without public input is going to profoundly impact these issues in our community.

This is not simply about 'livability' – but about making the right decisions to support all our communities. I think it's clear that additional housing near the University will be competing with the student rental market rather than the stated goal of increasing much-needed affordable housing. Given that filling this need is the stated goal of HB2001 and SB1051, and that SUNA has been working with the city to achieve this – let's continue having this important discussion.

I hope the Council is able to step back and make sure decisions are made with the input of neighborhood associations and the public – all of whom will agree that we need to increase density in a way that truly encourages affordable housing.

Thank you,
Nancy Meyer
Co-Chair, SUNA

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:16 AM
To: HANSEN Alissa H
Subject: Fwd: ADU Work-Session

Begin forwarded message:

From: "Bill Aspegren" <aspegren@comcast.net>
Date: September 14, 2019 at 4:40:01 PM PDT
To: <mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: ADU Work-Session

[EXTERNAL 

I would like to request that the Council postpone a vote on the changes to satisfy SB 1051 and the initial part of HB 2001. Instead ask for a public hearing and submit the changes to the normal public process.

Neither the remand of the LUBA decision concerning ADUs or changes for HB 2001 have had a public hearing and this is the first time the recommended code changes for ADUs has been available. Any vote to approve the changes seems premature.

Thank You,

Bill Aspegren

HANSEN Alissa H

From: JEROME Emily N
Sent: Monday, September 16, 2019 6:16 AM
To: HANSEN Alissa H
Subject: Fwd: Issues with Proposed ADU Ordinance

Begin forwarded message:

From: Jefferson Westside Neighbors <jwneugene@gmail.com>
Date: September 14, 2019 at 12:54:05 PM PDT
To: "Cc: *Eugene Mayor, City Council, and City Manager"
<mayorcouncilandcitymanager@ci.eugene.or.us>
Subject: Issues with Proposed ADU Ordinance

[EXTERNAL 

Dear Mayor and Councilors,

Among the many deficiencies with the details of the Proposed ADU Ordinance is that it has a direct impact on the parking criteria for the Jefferson-Westside Special Area Zone and the Chambers Special Area Zone. These Special Area Zones were crafted through a robust democratic community process. The Special Area Zones are holistically designed and you can't just start picking them apart without considering how changes will impact other elements of the zones. Any exploration of changes should be in consultation with the Jefferson Westside Neighbors or the impacted property owners and residents in the S-JW and S-C Zones.

While state mandates have forced the issue of ADUs, the details of how this expansion of allowed dwellings is executed is something that needs a more work and a lot more community involvement as mandated by State Planning Goal 1. That fact that many elements of the proposed ordinance were inserted after the public comment period is also troubling.

While their impact on the shortage of housing will negligible, ADUs can be a great addition to our housing mix. Many lots in the JWN have ADUs. However, we need to take the time do it right the first time. Please send this ordinance back to staff and have them follow through on the public process.

Sincerely,
Ted M. Coopman, Chair,

--

Jefferson Westside Neighbors
Executive Board
Eugene, OR
www.jwneugene.org

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Monday, September 16, 2019 6:56 AM
To: HANSEN Alissa H; HOSTICK Robin A
Cc: KAYE Lydia S
Subject: FW: Comments re proposed ADU ordinance
Attachments: Comments re ADU CONTE Sep 13 2019.pdf

FYI – also cc'd Lydia as there is a mention of short term rentals in here...

From: Paul Conte <paul.t.conte@gmail.com>
Sent: Friday, September 13, 2019 6:56 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Comments re proposed ADU ordinance

[EXTERNAL 

September 13, 2019

Mayor and Councilors,

Please give careful consideration to the attached comments.

There are several serious issues with the proposed “ADU” ordinance that warrant your deferring action and soliciting additional public comment on the staff proposal.

- A. The ordinance fails to meet the requirements of ORS 197.307(4) that “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing ...” This deficiency is clearly remandable by LUBA.
- B. The ordinance removes the owner-occupancy requirement, but the City hasn’t provided for any Goal 1 - Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of speculative investment in redevelopment of single-family neighborhood areas.
- C. The ordinance does nothing to limit the conversion of both dwellings to “Airbnb’s.”
- D. The ordinance unnecessarily removes limits on the *maximum* vehicle use area, thus exacerbating storm water runoff issues and negative impacts on adjacent residents.
- E. The ordinance unnecessarily removes standards for alley access parking and driveways, thus exacerbating potential impacts.
- F. The ordinance unnecessarily removes prohibition of ADUs on *new* flag lots, but the City hasn’t provided for any Goal 1 - Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of additional ADUs on flag lots.
- G. The ordinance unnecessarily negates the unique, flexible parking criteria for the Jefferson-Westside Special Area Zone and the Chambers Special Area Zone without having any consultation with the Jefferson Westside Neighbors or the impacted property owners and residents in the S-JW and S-C Zones.

There is plenty of time for the Council to consider these issues and make well-informed and thoughtful decisions on each one.

Unfortunately, the staff has once again failed to engage the community after the major events of HB 2001 and the LUBA remand. The proposed ordinance is legally flawed, as is the lack of public process on the *new* amendments. If Council were to adopt an ordinance at Monday's meeting, it would be subject to appeal, delay and likely remand.

The appropriate action by the City Council is to provide direction to the City Manager to address the above issues (and possibly others) by engaging the community and to bring back a satisfactory, revised ordinance. (Unfortunately, the City Manager failed to list this as an option.)

Thank you,

Paul Conte

**Accredited Earth Advantage
Sustainable Homes Professional**

Comments re proposed ADU Code Amendments

September 13, 2019

Submitted by Paul Conte
1461 W. 10th Ave., Eugene, OR 97402

Dear Mayor and Councilors,

There are several serious issues with the proposed “ADU” ordinance that warrant your deferring action and soliciting additional public comment on the staff proposal.

- A. The ordinance fails to meet the requirements of ORS 197.307(4) that “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing ...” This deficiency is clearly remandable by LUBA.
- B. The ordinance removes the owner-occupancy requirement, but the City hasn’t provided for any Goal 1 – Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of speculative investment in redevelopment of single-family neighborhood areas.
- C. The ordinance does nothing to limit the conversion of both dwellings to “Airbnb’s.”
- D. The ordinance unnecessarily removes limits on the *maximum* vehicle use area, thus exacerbating storm water runoff issues and negative impacts on adjacent residents.
- E. The ordinance unnecessarily removes standards for alley access parking and driveways, thus exacerbating potential impacts.
- F. The ordinance unnecessarily removes prohibition of ADUs on *new* flag lots, but the City hasn’t provided for any Goal 1 – Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of additional ADUs on flag lots.
- G. The ordinance unnecessarily negates the unique, flexible parking criteria for the Jefferson-Westside Special Area Zone and the Chambers Special Area Zone without having any consultation with the Jefferson Westside Neighbors or the impacted property owners and residents in the S-JW and S-C Zones.

There is plenty of time for the Council to consider these issues and make well-informed and thoughtful decisions on each one.

A. The ordinance fails to meet the requirements of ORS 197.307(4) that “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing ...”

As has been previously pointed out numerous times, the added definition of “Dwelling, Accessory” is not clear and objective because “used in connection with or that is accessory to a single-family dwelling” is highly discretionary. Unless this issue is addressed, the ordinance will be appealed and remanded again.

City Council needs to invite public comments on how to define these criteria in clear and objective terms in light of HB 2001 and the LUBA remand.

B. The ordinance removes the owner-occupancy requirement, but the City hasn’t provided for any Goal 1 – Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of speculative investment in redevelopment of single-family neighborhood areas.

Allowing ADUs without any owner-occupancy requirement is not just a mockery of the whole concept of “accessory dwelling,” it creates a huge new financial incentive to large, out-of-area,

speculative real estate investors to profit by widespread intensive development – or more likely *redevelopment* – of targeted, single-family areas that aren’t protected by CC&Rs. The inexplicable LUBA interpretation of the statutes just threw more gas on the fire, and the proposed removal of limits on bedrooms and occupants would further fuel speculative redevelopment. What’s now possible is to redevelop single-family lots as two market-rate rentals or condominiums. There is substantial, credible research that this radical change won’t produce housing that’s affordable, but instead will result in displacement and development of upscale housing.

Keep in mind that as soon as the proposed ordinance would go into effect, Measure 49 would act as a “ratchet,” and the Council would find its hands tied in reimposing adequate criteria to protect neighborhoods on wholesale transformation.

Consequently, the Council needs to hear from the public, as well as direct staff to develop alternative criteria to mitigate the potentially sweeping impacts of removing owner-occupancy.

As just one potential code requirement, the Council could amend the code as follows:

“No individual or party may own, directly or indirectly, a share in more than one ADU in Eugene.”

This restriction would not in any way hinder a traditional ADU on the owner’s own property (whether or not he or she resided on the property), and would also allow a person to have a single two-rental property in addition to his or her on residence on a different property.

Another alternative would be to have a general limit on ADUs to one bedroom, with an option for an additional bedroom if the owner filed a deed restriction as currently required for Secondary Dwelling Units.

C. The ordinance does nothing to limit the conversion of both dwellings to “Airbnb’s.”

The City Attorney has asserted (falsely) that the City does not regulate the use of dwellings in residential zones as Airbnb’s *in any way*. Under that legal assumption, the proposed ordinance would create a huge incentive to add so-called “ADUs” and turn both dwellings on a lot into Airbnb’s, further destabilizing neighborhoods.

The Council should include a provision in the ordinance that an ADU cannot be used as a short-term rental. (This also would require a definition for “short-term rental” to be added to the code.)

D. The ordinance unnecessarily removes limits on the maximum vehicle use area, thus exacerbating storm water runoff issues and negative impacts on adjacent residents.

It appears that staff has misinformed the City Council by stating in the AIS that off-street parking requirement is “the only change from the draft ordinance provided for the May 20, 2019 City Council public hearing.” In fact, the proposed ordinance also removes EC 9.2751(17)(c)4, which limits the amount of a lot that is covered by vehicle use areas:¹

“Vehicle Use Area. The maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, shall be limited to 20 percent of the total lot area.

There is absolutely nothing in HB 2001 that requires this limit to be removed. In fact, by eliminating a parking requirement, this limit is even more easily met by a proposed ADU addition. This standard should be retained to address both storm water runoff and vehicle use impacts on adjacent neighbors.

¹ This code section was not removed in the May 20, 2019 proposed ordinance, so the public has not had a chance to provide testimony – another remandable error.

E. The ordinance unnecessarily removes standards for alley access parking and driveways, thus exacerbating potential impacts.

Similarly, staff appears to have misinformed the Council by not pointing out that the proposed ordinance also removes EC 9.2751(17)(c)16, which limits the amount of a lot that is covered by vehicle use areas:²

Alley Access Parking and Driveway. The standards at EC 9.2751(18)(a)11. are applicable to attached and detached [secondary] **accessory** dwellings where primary vehicle access for the required parking is from an alley.

EC 9.2751(18)(a)11. Parking and Driveway.

- a. Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces.
- b. The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet.
- c. The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space.
- d. The maximum width for a driveway accessing a garage or carport shall be 12 feet.
- e. The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth.
- f. The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth.
- g. The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth.
- h. Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley.
- i. The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet.
- j. No parking shall occur outside of the vehicle use area.

(See Figure 9.2751(18)(a)11.)

There is absolutely nothing in HB 2001 that requires these standards to be removed, and they provide important protection against negative impacts on residents of other properties on the alley.

F. The ordinance removes prohibition of ADUs on new flag lots, but the City hasn't provided for any Goal 1 – Citizen Involvement process to consider alternative approaches to mitigate the potential impacts of additional ADUs on flag lots.

HB 2001 Section 12 does not prohibit *retention* of an *existing* provision prohibiting ADUs on *new* flag lots. Flag lots themselves are extremely problematic because of the substantial impacts they can create on adjacent property owners. The Council should retain this provision, particularly because the long-standing owner-occupancy requirement has been removed, which itself had provided substantial mitigation of potential impacts on adjacent residents.

² This code section also was not removed in the May 20, 2019 proposed ordinance, so the public has not had a chance to provide testimony – another remandable error.

G. The ordinance unnecessarily negates the unique, flexible parking criteria for the Jefferson-Westside Special Area Zone and the Chambers Special Area Zone without any consultation with the Jefferson Westside Neighbors or the impacted property owners and residents in the S-JW and S-C Zones.

The proposed ordinance amends **Table 9.6420 Required Off-Street Motor Vehicle Parking** to state that “[An] additional one-family dwelling in the S-JW Jefferson-Westside Special Area Zone or the R-2 subarea of the S-C Chambers Special Area Zone” does not require off-street parking. There are several problems with this amendment, which could have been avoided if staff had bothered to consult the JWN Chair.

First, both zones allow more than one “additional one-family dwelling,” so the amendment would remove any parking requirement for all additional dwellings. Only the second one-family dwelling on a lot (or development site) may qualify for the “ADU” exception to off-street parking.

Second, the S-JW Zone has a very sophisticated provision for parking requirements – which minimizes on-site parking spaces – and that is based on bedroom count, not whether a dwelling is the second dwelling on the lot. In addition, the standard allows on-street parking to count.

EC 9.3625(7) Parking Standards.

(a) Except as provided in (3)(d)3. above, each dwelling shall have one on-street or on-site vehicle parking space for every three bedrooms, rounded up to the next whole number (i.e. a four-bedroom dwelling must have at least two parking spaces). For purposes of this subsection, each uninterrupted twenty feet of lot line that abuts a street right-of-way where parking is legal within the entirety of that twenty feet shall count as one on-street parking.

Thus, in most cases, at least one dwelling that has three or fewer bedrooms will not require an off-street parking space. To handle the rare case where there is no on-street parking space, and a second dwelling is proposed, this criterion could be amended to provide an exception that no off-street parking space is required for the second dwelling if it has no more than one bedroom.

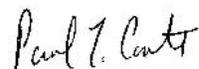
However, Council should send the draft ordinance back to the staff to consult with the JWN in order to develop the most appropriate solution for Council to consider.

* * * * *

In summation, the staff has once again failed to engage the community after the major events of HB 2001 and the LUBA remand. The proposed ordinance is legally flawed, as is the lack of public process on the *new* amendments. If Council were to adopt an ordinance at Monday’s meeting, it would be subject to appeal, delay and likely remand.

The appropriate action by the City Council is to provide direction to the City Manager to address the above issues (and possibly others) by engaging the community and to bring back a satisfactory, revised ordinance. (Unfortunately, the City Manager failed to list this as an option.)

Respectfully,



Paul Conte

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Monday, September 16, 2019 6:55 AM
To: HANSEN Alissa H; HOSTICK Robin A
Subject: FW: Matrix for Monday ADU Work Session

From: TAYLOR Betty L <BTaylor@eugene-or.gov>
Sent: Friday, September 13, 2019 7:31 PM
To: JEROME Emily N <EJerome@eugene-or.gov>
Cc: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: RE: Matrix for Monday ADU Work Session

Thanks—this is helpful, but I do not agree with the proposed changes.

Betty

From: JEROME Emily N
Sent: Friday, September 13, 2019 4:37 PM
To: VINIS Lucy K; TAYLOR Betty L; SEMPLE Emily; ZELENKA Alan; CLARK Mike; SYRETT Claire M; PRYOR Chris E; YEH Jennifer K; EVANS Greg (SMTP)
Cc: HANSEN Alissa H; RUIZ Jon R; HAMMITT Kristie A
Subject: Matrix for Monday ADU Work Session

Good afternoon. Monday's 5:30 work session will address the draft ADU ordinance. Attached is a matrix to assist you in your preparation and your discussion.

You may recognize the matrix; it is an updated version of the one we provided for your straw polls last February. This updated matrix includes the same list of ADU standards. For each standard, the matrix informs whether the draft ordinance would eliminate the standard from the code (red), or would retain the standard in the code (green).

Have a good weekend.

<< File: Updated Matrix for 9-16 work session (00328223xBF8A9).pdf >>

Emily Jerome
Deputy City Attorney
City of Eugene
Ext. 5322

This message is a confidential communication under the attorney-client or attorney work product privilege. It should not be forwarded or copied without first checking with me.

HANSEN Alissa H

From: JEROME Emily N
Sent: Friday, September 13, 2019 4:37 PM
To: VINIS Lucy K; TAYLOR Betty L; SEMPLE Emily; ZELENKA Alan; CLARK Mike; SYRETT Claire M; PRYOR Chris E; YEH Jennifer K; EVANS Greg (SMTP)
Cc: HANSEN Alissa H; RUIZ Jon R; HAMMITT Kristie A
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Have a good weekend.



Updated Matrix
for 9/16 work s...

Emily Jerome
Deputy City Attorney
City of Eugene
Ext. 5322

****This message is a confidential communication under the attorney-client or attorney work product privilege. It should not be forwarded or copied without first checking with me.****

Summary of Draft Ordinance's Retention / Elimination of Accessory Dwelling Regulations for 9/16/19 Work Session

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Draft Ordinance			
				Relates to Siting	Relates to Design	Basis for Regulation	Retained or Eliminated
1	Maximum Lot Coverage	<i>University Area:</i> The lot shall meet the lot coverage requirements for R-1, except that all roofed areas shall be included as part of the calculation of lot coverage. <i>All Other Lots:</i> In R-1 and R-2, coverage of building footprints is limited 50% of lot	9.0500 9.2751(17)(c)3. Table 9.2750	✓	✓	Addresses overcrowding concerns & desire for yard/open space	
2	Outdoor Living Area	<i>All Lots:</i> In R-2, R-3 & R-4, a minimum of 20 percent of the development site is required to be open space.	Table 9.2750	✓	✓	Addresses overcrowding concerns & desire for yard/open space	
3	Building Size	<i>University Area:</i> For lots at least 7,500 square feet and less than 9,000 square feet in area, the SDU shall not exceed 600 square feet. For lots at least 9,000 square feet in area, the SDU shall not exceed 800 square feet. <i>All Other Lots:</i> Building square footage is limited to 10 percent of the total lot area or 800 square feet, whichever is smaller. In addition, for detached SDUs, up to 300 square feet of un-heated garage or storage space attached to the SDU is allowed and is not counted in the allowable building square footage.	9.2751(17)(c)5. 9.2751(17)(a)2. 9.2751(17)(b)1.		✓	Demonstrates accessory nature	
4	Outdoor Storage/Trash	<i>All Lots:</i> Outdoor storage and garbage areas are required to be screened from view from adjacent properties and those across the street or alley with a minimum 42-inch tall 100-percent site obscuring fence or enclosure on at least three sides.	9.2751(17)(b)4. 9.2751(17)(c)19.		✓	Addresses livability	
5	Pedestrian Access	<i>University Area:</i> For attached and detached SDUs, same as for all other lots, except that if the primary vehicle access for the required parking is from an alley, the path must be provided from the alley. <i>All Other Lots:</i> Detached SDUs are required to provide a pedestrian walkway from the street or alley to the primary entrance of the secondary dwelling. The pedestrian walkway shall be a hard surface (concrete, asphalt or pavers) and shall be a minimum of 3 feet in width.	9.2751(17)(b)2. 9.2751(17)(c)17.		✓	Addresses accessibility	
6	Minimum Attachment	<i>All Lots:</i> To be considered attached, requires the SDU and the primary dwellings must share a common wall or ceiling for a minimum of 8 feet.	9.2751(17)(a)4.		✓	Clarity as to what constitutes attached	
7	Prohibition on Alley Access Lots	<i>All Lots:</i> SDUs are prohibited on alley access lots. (An alley access lot is a lot that abutting an alley and not abutting a street and created from the rear portion of an existing lot or parcel.)	9.2741(2) 9.2751(18)(a)2.	✓		Addresses traffic and overcrowding concerns	
8	Minimums Lot Size	Minimum lot size required for a secondary dwelling unit (SDU): <i>University Area:</i> 7,500 square feet <i>Flag Lots:</i> 12,500 square feet <i>All Other Lots:</i> 6,100 square feet	9.2571(17)(c)1. 9.2775(4)(b) 9.2751(17)(a)1.	✓		Addresses overcrowding concerns	
9	Maximum Density	<i>All Lots:</i> Minimum and Maximum net density per acre is as follows: R-1: No minimum to 14 units R-2: 13 to 28 units R-3: 20 to 56 units R-4: 20 to 112 units	Table 9.2740 Table 9.2750	✓		Addresses overcrowding concerns	
10	Lot Dimensions	<i>University Area:</i> To allow for an SDU, requires that the boundaries of the lot be sufficient to fully encompass an area with minimum dimensions of 45 feet by 45 feet.	9.2571(17)(c)2.	✓		Addresses overcrowding concerns	

 Retain in Land Use Code /justify in findings

 Eliminate from Land Use Code

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Draft Ordinance			
				Relates to Siting	Relates to Design	Basis for Regulation	Retained or Eliminated
11	Parking Requirement	<p><i>University Area:</i> Limits the primary dwelling to a minimum of one and a maximum of two parking spaces on the lot and requires one additional parking space on the lot for the SDU.</p> <p><i>All Other Lots:</i> Requires one additional space for the SDU.</p>	9.2751(17)(c)15. Table 9.6410	Explicitly Prohibited by State Law			
12	Alley Access Parking/Driveway	<p><i>University Area:</i> Where primary vehicle access for the required parking for the SDU is from an alley, the following standards apply:</p> <ul style="list-style-type: none"> • Only one covered or enclosed parking space may be provided (carport or garage). The covered or enclosed parking space shall be counted towards the total number of parking spaces. • The maximum dimensions for a garage shall be 16 feet by 24 feet, with a maximum garage door width of 9 feet. • The minimum setback for a garage shall be 5 feet from the alley. If the garage is setback greater than 5 feet from the alley, it must be setback a minimum of 15 feet and the area between the garage and the alley shall be counted towards one parking space. • The maximum width for a driveway accessing a garage or carport shall be 12 feet. • The maximum dimensions for one parking space located perpendicular to the alley shall be 12 feet in width by 20 feet in depth. • The maximum dimensions for two side by side parking spaces perpendicular to the alley shall be 20 feet in width by 20 feet in depth. • The maximum dimensions for tandem parking spaces shall be 12 feet in width by 33 feet in depth. • Only one parking space parallel to the alley shall be allowed, and such space shall not exceed 10 feet in width and 20 feet in length along the length of alley. • The total vehicle use area, including but not limited to driveways and on-site parking, but not including parking space in garage, shall not exceed 400 square feet. • No parking shall occur outside of the vehicle use area. 	9.2751(17)(c)16.	Relates to On-Site Parking Requirement that is Explicitly Prohibited by State Law			
13	Building Height/Sloped Setback	<p><i>University Area:</i> For detached secondary dwellings, the interior yard setback shall be at least 5 feet from the interior lot line. In addition, at a point that is 8 feet above grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally (approximately 40 degrees from horizontal) away from the lot line until a point not to exceed a maximum building height of 18 feet. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback, except that eaves, chimneys and gables are allowed to project into this setback no more than 2 feet.</p> <p><i>Flag Lots:</i> Interior yard setbacks shall be at least 10 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet for detached secondary dwellings and the maximum building height of the primary dwelling for attached secondary dwellings. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).</p> <p><i>All Other Lots:</i></p>	9.2751(17)(c)9. 9.2775(5)3. 9.2751(17)(a)3. 9.2751(17)(b)5.		✓	Demonstrates accessory nature/addresses livability	

No.	Topic	Summary of Requirement and Applicability	Eugene Code (EC) Section(s)	Draft Ordinance			
				Relates to Siting	Relates to Design	Basis for Regulation	Retained or Eliminated
		<p>For attached secondary dwellings located within 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet, and maximum building height shall be limited to that of the main building as per Table 9.2750.</p> <p>For attached secondary dwellings located greater than 60 feet of a front lot line, interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line to a maximum building height of 18 feet. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback, except that eaves and chimneys are allowed to project into this setback no more than 2 feet.</p> <p>For detached: Interior yard setbacks shall be at least 5 feet. In addition, at a point that is 8 feet above finished grade, the setback shall slope at the rate of 10 inches vertically for every 12 inches horizontally away from the property line until a point not to exceed a maximum building height of 18 feet. The allowances for setback intrusions provided at EC 9.6745(3) do not apply within the setback, except that eaves and chimneys are allowed to project into this setback no more than 2 feet. This standard may be adjusted to allow for a secondary dwelling over an accessory building in accordance with EC 9.8030(34).</p>					
14	Prohibition on New Flag Lots	All Lots: SDUs are not allowed on flag lots that did not exist or were not approved prior to August 29, 2014.	9.2775(4)				
15	Vehicle Use Area	University Area: Limits the maximum area covered by paved and unpaved vehicle use areas including but not limited to driveways, on-site parking and turnarounds, to 20 percent of the total lot area.	9.2751(17)(c)4.	Relates to On-Site Parking Requirement that is Explicitly Prohibited by State Law			
16	Owner/Occupancy Requirement	All Lots: Requires that either the SDU or the primary dwelling be occupied by the owner of the property. Includes requirement for deed restriction and verification, and allowance for temporary one-year leave.	9.0500 9.2751(17)(a)7. - 10. 9.2751(17)(c)11. - 14.	Explicitly Prohibited by State Law			
17	Maximum Bedroom	University Area: For lots with a primary dwelling containing 3 or fewer bedrooms, the SDU is limited to 2 bedrooms. For lots with a primary dwelling containing 4 or more bedrooms, the SDU is limited to 1 bedroom. All Other Lots: Limits the SDU to no more than 2 bedrooms.	9.2751(17)(c)7. 9.2751(17)(a)5.				
18	Maximum Occupancy	University Area: For lots with a primary dwelling containing 3 or fewer bedrooms, limits the SDU to 3 occupants. For lots with a primary dwelling containing 4 or more bedrooms, limits the SDU to 2 occupants.	9.2751(17)(c)8.				
19	Dog Keeping	All Lots: Limits properties with an SDU to no more than 3 dogs on the lot.	9.2751(17)(a)6. 9.2751(17)(c)10.				

HANSEN Alissa H

From: YEH Jennifer K
Sent: Friday, September 13, 2019 7:23 AM
To: *Eugene Mayor, City Council, and City Manager
Cc: HANSEN Alissa H; JEROME Emily N
Subject: ADU Ordinance

Mayor, Councilors and City Manager,

On Monday, Sept 16 I will be making several motions in relation to our ADU discussion. I do not have the exact wording yet, but the motions will be designed to eliminate barriers to ADUs, create consistency, enhance the livability of our community and ensure our land use rules are reasonable.

The four motions are in the areas of:

Flag lots

Alley Access Lots

Building Height

Sloped Setback

Thank you,

Jennifer

Jennifer Yeh

Eugene City Council

Ward 4

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Thursday, September 12, 2019 11:36 AM
To: HANSEN Alissa H; HOSTICK Robin A
Subject: FW: Eugene alone imposes minimum lot size for ADUs

From: ZELENKA Alan <AZelenka@eugene-or.gov>
Sent: Thursday, September 12, 2019 10:15 AM
To: Matt McRae <matt@ourchildrenstrust.org>
Cc: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Re: Eugene alone imposes minimum lot size for ADUs

Good point Matt. Thanks got the info.

Alan Zelenka
Eugene City Councilor

On Sep 10, 2019, at 3:25 PM, Matt McRae <matt@ourchildrenstrust.org> wrote:

[EXTERNAL 

Mayor and Council,

I mentioned during my testimony yesterday that in a search of 16 other Oregon cities, including all cities in Lane County, no other municipality had a minimum lot size specifically for ADUs. Eugene is alone in this regard.

Below is a snapshot of the summary table from page 43 of the attached report. It lists the cities surveyed and the findings regarding minimum lot size. Yes, some cities limit construction of ADUs to only those lots that meet the minimum size for the zone, but none had a *separate* lot size minimum for ADUs.

<Screen Shot 2019-09-10 at 3.07.51 PM.png>

Regards,
Matt McRae
Climate Policy Strategist
Our Children's Trust
541.514.6066

<ADU_CodeAnalysis.pdf>

HANSEN Alissa H

From: SELSER Lindsay R
Sent: Tuesday, September 10, 2019 5:20 PM
To: HANSEN Alissa H; HOSTICK Robin A
Subject: FW: Eugene alone imposes minimum lot size for ADUs
Attachments: ADU_CodeAnalysis.pdf

FYI

From: Matt McRae <matt@ourchildrenstrust.org>
Sent: Tuesday, September 10, 2019 3:25 PM
To: *Eugene Mayor, City Council, and City Manager <MayorCouncilandCityManager@eugene-or.gov>
Subject: Eugene alone imposes minimum lot size for ADUs

[EXTERNAL 

Mayor and Council,

I mentioned during my testimony yesterday that in a search of 16 other Oregon cities, including all cities in Lane County, no other municipality had a minimum lot size specifically for ADUs. Eugene is alone in this regard.

Below is a snapshot of the summary table from page 43 of the attached report. It lists the cities surveyed and the findings regarding minimum lot size. Yes, some cities limit construction of ADUs to only those lots that meet the minimum size for the zone, but none had a *separate* lot size minimum for ADUs.

Comparative Code Chart

For the purposes of this analysis, the zoning code as relates to ADUs for 16 other cities in Oregon were examined. The Cities selected were either comparable to Eugene in population (between 50,000 and 200,000 population) or location (cities with populations over 2,500 in Lane County.) A brief summary of these city's codes is below.

City	Population	Last Update	Owner Occupancy	Lot Size Minimum	Density	Square Footage	Height Limit	Parking Required
Salem	165,265	2017	No	No	Exempt	900/75%	25 feet	0
Gresham	110,505	2018	No	No	Exempt	750*/50%	Base	1
Hillsboro	101,920	Unclear	No	Legal Lot	Silent	750	Base	1
Beaverton	97,000	2002	No	No	Silent	800/50%	Base	1
Bend	89,505	2018	No	No	Exempt	600*	25 feet	1
Medford	80,375	2018	No	No	Exempt	900/75%	Base	0
Springfield	60,865	2018	No	Legal Lot	Silent	800/100%	Base	1
Corvallis	59,280	2018	Yes	Legal Lot	Silent	900/40%	Base	0
Albany	53,145	2007	Yes	Legal Lot	Silent	750/50%	24 feet	3*
Tigard	52,785	2018	No	No	Silent	800/100%	25 feet	1
Cottage Grove	10,005	2018	No	No	Exempt	800	28 feet	1
Florence	8,795	2018	No	Legal Lot	Exempt	1000/75%	Base	1
Junction City	6,125	2003	Yes	No	Silent	800	25 feet	1
Creswell	5,455	2018	No	No	Exempt	800**	110% of primary	0
Veneta	4,790	2017	No	No	Silent	600/50%	28 feet	3*
Oakridge	3,280	2004	Yes	No	Exempt	800	20 feet	2

- **Lot Size:** "No"- City permits ADU on lot with no reference to lot size. "Legal Lot"- City permits ADUs on lots that meet legal lot requirements elsewhere in the code.

Regards,
 Matt McRae
 Climate Policy Strategist
 Our Children's Trust
 541.514.6066

Eugene's Accessory Dwelling Unit Code
A Comparative Analysis for Reasonableness
And Design and Siting
in light of ORS 197.312(5)

Eliza Kashinsky
January 27th, 2019

Introduction

The City of Eugene is embarking on a project to ensure that, in light of ORS 197.312(5), the regulations it applies to Accessory Dwelling Units in the city are reasonable and related to siting and design. Eugene faces a particular challenge in this project, because over the years, and in particular as a result of code amendments passed in 2014, its regulations related to ADUs are substantially more complex and restrictive than those of other cities—23 separate types of restrictions or regulations are placed on ADUs in Eugene, many of them reference in multiple places in the code, or differing somewhat in different areas of the city.

An additional challenge is that “reasonableness” is to some degree in the eye of the beholder; what is reasonable for one person may not be reasonable for another. This document attempts to identify and analysis Eugene’s code in light of some sort of measure of “reasonableness”—namely, how other cities have addressed the same issues (a “reasonable cities” standard) and a consistency standard (is it consistent with how Eugene addresses other housing/building types and is it consistent with other regulations on housing, such as anti-discrimination and fair housing statutes.)

By evaluating all segments of Eugene’s code that relate to ADUs in this way, the hope is that Eugene will be able to modify its regulations related to ADUs so that will be in compliance with ORS 197.312(5), and remove barriers to ADUs to make it easier to provide additional housing that our city desperately needs.

A summary of the analysis can be found on page 6 of this document, breaking down each area of regulation and indicating if it is related to siting and design, if it reasonable, if it is clear and objective, and if it is a useful regulation. For each area, a recommendation is provided to retain, remove, or revise relevant provisions.

Overall, Eugene needs to substantially revise its code related to ADUs in order to meet minimum requirements of state law. Over half of the provisions examined are recommended to be removed or substantially rewritten. An additional quarter need to be revised in some fashion. There are very few areas where code language could be left as is without some concern.

While Eugene is embarking on this project in response to a remand from the Land Use Board of Appeals, and therefore must of course consider what changes are defensible given LUBA’s finding and ORS 197.312(5), it should also be remembered that Eugene is facing a substantial housing crisis. Eugene has included as a goal in various plans and documents to remove barriers to housing. When examining the barriers to dwelling units in Eugene’s code, the question should not be can we defend leaving it in, but rather, does this regulation ensure such a universal good that it outweighs any negative impacts to provide housing for our residents?

During the course of this analysis, several provisions in other cities were identified that went “above and beyond” and addressed issues that would not be specifically required under ORS 197.312(5). Notes on those solutions are also included, in case Eugene also has an interest in doing more than the bare minimum required by law.

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Definitions

Definitions

In this document, each segment of code related to ADUs in Eugene will be evaluated based on four criteria—is it related to siting and design, is it reasonable, is able to be applied in a clear and objective fashion, and is it useful and effective.

- **Siting and design:** ORS 197.312(5) states that cities can subject ADUs to “reasonable local regulations related to siting and design.”
 - **Siting** is dictionary-defined as “fixing or building something in a particular place.” In the context of land use planning, “siting” is used both to refer to where something is fixed in the city as a whole, and as well where a particular structure is fixed its lot and in relation to other buildings on the lot.

In the context of ORS 197.312(5), the state regulation provides clear guidance regarding the first meaning of siting—ADUs must be permitted in all zones where detached single-family homes are allowed. Therefore, local regulations related to siting are referring to the siting of the ADU on the lot. This would include regulations related to setbacks from the lot line and distance between the ADU and other buildings.
 - **Design** is dictionary-defined as “the arrangement of elements or details in a product.” This is referring to the look and function of an ADU. This would mean that cities could have regulations related to how ADUs look (height, size, color, style, etc.) They could also ensure that ADUs meet with building codes related to safety.
- **Reasonable:** Reasonable is a term that is not legally defined in this context, but is legally defined in other contexts. The Legal Information Institute at Cornell Law School defines it as “just, rational, appropriate, ordinary, or usual in the circumstances.” For example, in the context of negligence law, the actions of a “reasonable” person is considered what averagely prudent person would observe under a given set of circumstances.

For the purposes of this analysis, “reasonableness” will be based on two factors.

- *Is it ordinary or usual in the circumstances?* To determine this, we’ll look at how other mid-size cities in Oregon and other cities in Lane County have addressed the question. In some sense, we will be using a “reasonable cities” standard, on the assumption that other cities who have modified and reviewed their code in light of ORS 197.312(5) are under similar circumstances to Eugene, in as much as they are cities in Oregon with similar sized populations and/or location and subject to the same state level regulations and land use requirements, and are at least averagely prudent.
 - *Is it appropriate and just?* To determine this we will look at if, in Eugene’s code, other dwellings are subject to similar requirements. If a provision of the code is truly necessary to ensure the welfare of the public and community, then it should be evenly applied to similar structures and uses. In addition, code provisions that have discriminatory effect or disparate impact on protected classes are not just.
- **Clear and Objective:** Clear and Objective is a term of art in Oregon’s Land Use laws and processes, referring to the fact that for housing, cities can only apply standards and regulations that aren’t discretionary or subjective or discourages housing through unreasonable cost or

delay (ORS 197.307(4)). While housing is allowed to go through a discretionary track, a developer or homeowner must also have the option to build a home that meets the code without the need for interpretation. In addition, regulations must be able to be enforced consistently, without relying on the judgement of the City about when and where to enforce particular regulations. In their November 28th, 2018 decision in Home Builders Association v. City of Eugene, the Land Use Board of Appeals specifically suggested that Eugene review its ADU code to ensure that it could be applied in a Clear and Objective manner.

- **Useful and Effective:** While ORS 197.312(5) and LUBA didn't require that regulations related to ADUs actually be crafted in such a way as to accomplish their intent, when reviewing our code for the benefit of our city, it seems reasonable to ensure that the regulations in place are actually producing the results they were intended to. The purpose of Eugene's land use code is to "protect and promote health, safety, and the general welfare of the public, and to preserve and enhance the economic, social, and environmental qualities of the community." If the provision of the code in question is not effective at achieving that purpose, it is not useful.

Unless an element of the zoning code related to ADUs can pass all these tests, it should be removed from the Eugene Zoning Code, or revised so that it can pass all the above tests.

Analysis Summary

Provisions	Siting & Design?	Reasonable?	Clear and Objective?	Useful and Effective?	Recommendation
Owner Occupancy Requirements	No	No	No	No	Remove
Lot Size Minimums	No	No	Yes	No	Remove
Density Requirements	No	No	Yes	No	Remove
Prohibition on Alley Access and Flag Lots	No	No	Yes	No	Remove
Flag Lot Access Requirements	No	No	No	No	Remove
Bedroom Limits	Yes	No	No	No	Remove
Maximum Occupancy Limits	No	No	No	No	Remove
Outdoor Trash Screening Requirements	Yes	No	Yes	No	Remove
Dog Keeping Limits	No	No	No	No	Remove
Maximum Wall Length	Yes	No	Yes	No	Remove/Revise
Conversion of an Existing Structure	Yes	No	No	No	Remove/Revise
Flat Square Footage Limits	Yes	Yes	Yes	Yes	Retain
Square-Footage Limits Based on Lot Size	Yes	No	Yes	No	Remove
Allowance for Unheated Garage Space	Yes	Yes	No	No	<i>Revise</i>
Height Limits	Yes	No	No	No	<i>Revise</i>
Setback Requirements	Yes	Yes	No	No	<i>Revise</i>
Setback Intrusions Limitations	Yes	No	Yes	No	Remove
Attached ADU Connection Standards	Yes	Yes	Yes	Yes*	Retain
University Lot Dimension and Coverage Requirements	No	No	Yes	No	Remove
University Parking Requirements	Yes	Yes	Mixed	Mixed	<i>Revise</i>
Applicability of Standards in Other Zones	N/A	N/A	No	No	<i>Revise</i>
S-C and S-JW Terminology	N/A	No	N/A	No	<i>Revise</i>
Pedestrian Access Requirements	Yes	Yes*	Yes	Yes*	Retain/Revise
Covered Entrance Requirements	Yes	Yes*	Yes	Yes*	Retain/Revise
Minimum Off-Street Parking Spaces	Yes*	Yes*	Yes	No	No Recommendation
Exemption from Underground Utility Standards	N/A	Yes	N/A	Yes	Retain

Assessments of “reasonable” and “useful and effective” are based on the specifics of Eugene’s code. In some cases, while a general concept, such as height limits, are reasonable and useful, the manner in which they are presented in Eugene’s code are not. See detailed analysis before for more information.

Analysis

Owner Occupancy Requirements

Description: Eugene requires that the owner of the property have their principle residence on the property, they must occupy the property for at least 6 months out of every year, and that the principle residence can't be leased or rented when not occupied by the property owner. It goes into great detail about how this is verified, the types of documentation required, and how the property owner is determined. It requires that a deed restriction be placed on the property stating this. It provides an allowance for a longer absence (up to a year, or two years after going through an adjustment review process) during which both units may be rented, provided that the property owner provide a notarized statement of their intent to return as well as documentation from their employer, educational facility, volunteer organization or medical provider. It requires that the owner re-verify their residence with the city every two years.

Where in the code: 9.2751 (17)(a)(7), 9.2751 (17)(a)(8), 9.2751 (17)(a)(9), 9.2751 (17)(c)(11), 9.2751 (17)(c)(12), 9.2751 (17)(c)(13), 9.2751 (17)(c)(14), 9.3811(b), 9.8030(34)(a)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	No	No

Explanation:

- *Siting and Design:* The rental or ownership status of the residents of a dwelling is not related to either the location of the building on a lot, nor the design of that building.
- *Reasonableness:* All other housing types in the Eugene code are completely agnostic as to ownership status. A single-family home can be either owner or renter occupied; a multi-family dwelling could be either renter occupied (apartment) or owner-occupied (condo). Singling out ADUs as the lone housing type where ownership status of the resident is relevant is inconsistent with how Eugene treats all other housing types in the code.
- *Reasonableness:* It is outside of the scope of this project to do a full analysis of the intersection of city-mandated owner-occupancy requirements and Fair Housing and anti-discriminatory requirements. However, given the frequent justification, including by members of the Eugene City Council, that owner-occupancy requirements are necessary because homes resided in by renters are less desirable in the neighborhood, and recent cases regarding disparate impact of housing decisions, owner-occupancy requirements should be examined for disparate impact and discriminatory intent in that light. See below regarding Useful and Effectiveness.
- *Reasonableness:* Prior to final occupancy, owners of properties where ADUs and primary dwellings are being built simultaneously, the owner must submit proof of occupancy prior to final occupancy. This is likely an impossible standard to meet, since until someone is living at a property, they are unlikely to have income tax filings or other documentation of residency. For developers who are hoping to sell the buildings, they are less likely to find a purchaser to move into the property prior to issuance of a final occupancy permit. This creates an unreasonable catch-22 situation—they can't occupy the building until they have proved that they occupy the building.
- *Clear and Objective:* While the length and specificity of these provisions are clearly an attempt to develop an owner occupancy requirement that can be maintained over time in a consistent and enforceable fashion, in the end, it still relies on the discretion of City Staff, working under a complaint-based system, to enforce the provisions.

- *Useful and Effective:* Proponents of the owner occupancy provision frequently cite an opinion that a home will be better maintained and neighbors will be less disruptive if the property owner lives on site. Both renters and property owners can be bad neighbors; both renters and property owners can be good neighbors. Demographically, property owners tend to be higher income and older than renters, though renters span the age and income spectrum. More than half of Eugene’s population rents their home. The implication of this argument—that in order to be desirable neighbors, renters need the supervision of a property owner—is troubling to say the least.
- *Useful and Effective:* Owner occupancy provisions are extremely difficult to enforce, as discussed in the Guidance on Implementing the Accessory Dwelling Unit Requirement document provided by the Department of Land Conservation and Development. Eugene has attempted to address this enforcement difficulty by adding additional requirements (deed restrictions, documentation requirements, etc.) to their code. However, at the end of the day, enforcement remains a concern with this provision—after all, few homeowners read the zoning code in depth before they purchase a home, and are unlikely to realize that they are required to provide the city with a doctor’s note, a notarized document of intent and go through an adjustment review process if they wish to rent out their home while they care for a sick family member. On the other side, the City is unlikely to know that a homeowner has temporarily relocated unless someone complains. Given the equity and reasonableness concerns described above, it seems unlikely that owner-occupancy requirements serve such a public good as to justify the extreme efforts and invasion of personal privacy required to enforce them.

Other Cities: No other city reviewed had an owner-occupancy requirement as detailed or restrictive as Eugene. Of the 16 cities review, four had owner occupancy requirements for ADUs in their code at the time of the review. All of these requirements pre-date SB 1051. Junction City and Albany both included removal of their owner-occupancy requirements in proposed or pending adjustments for compliance with SB 1051. Corvallis postponed discussion of owner-occupancy to a yet-to-be-completed “Phase II.” Oakridge has not yet updated their code.

Cities that had owner occupancy requirements and have completed their SB 1051 related revisions have consistently removed those provisions.

Recommendation: Remove the owner-occupancy requirement, and all related language from the code.

Lot Size Minimums

Description: Eugene prohibits ADUs of any type on lots that are smaller than 6,100. In some cases, larger lots are required: Eugene only allows ADUs on flag lots that are over 12,500 square feet in size, and in the University Neighborhoods (Fairmont, Amazon and South University) lots with ADUs must be at least 7,500 square feet. A few special area zones allow ADUs on smaller lots-- the S-C/R-1 subarea allows for attached accessory dwellings on lots of 4,500 square feet and detached ADUs on lots of 6,000 square feet. In the S-JW, two dwellings are prohibited on lots under 4,500, thus creating a lot size minimum of 4,5000 square feet for additional one family dwellings that meet the definition of ADUs.

Where in the code: 9.2751 (17) (a)(1), 9.2751 (17)(c)(1), 9.2775 (4)(b), 9.3065 (2)(a), Table 9.3625

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	Yes	No

Explanation:

- *Siting and Design:* The size of the lot is not related to the placement of the ADU on the lot, nor the design of the ADU.
- *Reasonableness:* While Eugene has definitions for what constitutes a legal lot and restricts new development on non-legal lots, only two housing types have lot-size minimums separate from legal lot size and lot coverage requirements—ADUs and duplexes in R-1. It is presumed that if a lot is legally sized, a single-family home, multi-family dwelling, rowhouse, etc. is permitted to be built on it provided it could meet all other requirements. While the determination of lot size minimum for ADUs for a typical R-1 lot seems to be based on a maximum density of 14 units per acre (see below re: density), the lot size minimums in the university neighborhoods and flag lots seem arbitrary. No other cities had similar lot size minimums.
- *Useful and Effective:* An interior/attached ADU or a conversion of an existing permitted structure into an ADU would have no impact on what “fits” on a particular lot. Particularly for these types of ADUs, the impact of lot size minimums is not to reduce the impact of additional buildings on a lot, but rather to limit the number of people who can live on a lot.
- *Useful and Effective:* Lot size minimums prohibit a substantial percentage of detached single-family homes from being able to develop an ADU. In the R-1 zones and university area, the lot size minimum preclude ADUs on 10,606 lots, or about 24% of all R-1 lots. In zones R-2 and R-3, out of about 3,516 total lots, 2,353 are less than 6,100 square feet (67%), and thus would not be allowed to construct an ADU. While not all of those lots have detached single family homes on them and would not be entitled to an ADU, the majority of single-family homes in the R-2 and R-3 zones are prohibited from building an ADU based on lot size.
- *Useful and Effective:* Given the minimum size of 6,100 square feet, which is almost precisely the size an R-1 lot would have to be to allow two units under Eugene’s standard density calculations, it is clear that the lot size minimums are intended to reinforce density requirements. See below for discussion of density requirements; however, this is clearly not useful or effective in zones other than R-1, which have higher density minimums and maximums.

Other Cities: No other cities reviewed had lot size prohibitions like Eugene’s. Creswell requires a slightly larger lot for single family homes with ADUs (5000 square feet minimum lot size for single family homes vs. 6000 square feet for single family homes and an ADU; Creswell also is one of the few cities to allow more than one ADU per single family dwelling.) Corvallis, which used a two-phase process like Eugene, removed pre-existing lot size minimums as part of their Phase I process.

Five cities stipulated that ADUs could only be built on lots that met the legal lot minimum lot size for the zone.

Recommendation: All lot size minimums specific to ADUs should be removed from the code.

Sample Code: Springfield

5.5-110 Applicability

A. Accessory dwelling units are permitted on LDR properties with a primary dwelling.

....

5.5-140 Non-Conforming Lot/Parcel Sizes

Accessory dwelling units shall not be permitted on lots/parcels that do not meet the applicable minimum lot/parcel size stated in Section 3.2-215.

....

3.2-215 Base Zone Development Standards

The following base zone development standards are established.

Development Standard	Residential Zoning District			
	Low Density Residential (LDR)	Small Lot Residential (SLR)	Medium Density Residential (MDR)	High Density Residential (HDR)
<i>Standard Lots/Parcels</i>				
<i>Minimum Area</i>				
East-West Streets	4,500 sq. ft.	3,000 sq. ft.	4,500 sq. ft. (15)	4,500 sq. ft. (15)
North-South Streets	5,000 sq. ft.	3,000 sq. ft.	5,000 sq. ft. (15)	5,000 sq. ft. (15)

Density Requirements

Description: Accessory Dwelling Units in Eugene must meet both the minimum and maximum density requirements for the base zone. The one exception is that in R-1, attached ADUs do not need to meet the minimum density requirement.

Where in the code: Table 9.2740, 9.2751 (1)(a), Table 9.3115, 9.3811(1)(e)(1), 9.3911(2)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	Yes	No

Explanation:

- *Siting and Design:* Density requirements do not determine where on a lot a structure is located, nor what that structure looks like or how it functions.
- *Reasonableness:* While most other dwelling types are subject to density requirements, ADUs are not typically considered to apply to density requirements in other cities. All other examined cities have either explicitly exempted ADUs from their density requirements or have remained silent on the subject and instead permitted ADUs on a per lot or per dwelling basis similar to how accessory uses/buildings are addressed—none specifically included ADUs in calculations of minimum and maximum density in the manner of Eugene.
- *Reasonableness:* Prior to 2014, ADUs were not explicitly subject to density regulations in Eugene. During the process of the 2014 Single Family Code Amendments, there was much discussion as to if ADUs should be subject to density limitations. These arguments primarily centered upon Metro Plan Policy A.9, which states that “local jurisdictions should establish density ranges which are consistent with the broad density categories of this plan.” This was argued at the time to be a flat prohibition upon allowing any housing above 10 units per gross acre on land designated as low-density by the Metro Plan. The City both has the authority to interpret the Metro Plan, and the responsibility to balance the various provisions of the Metro Plan to develop reasonable interpretations. The Metro Plan overall indicates a preference for increasing density of residential development—for example, Metro Plan Finding 16, 17, and 18 discusses that residential density targets are not being achieved at the time of the writing of the Metro Plan. Policies A.10, A.12, A.13, A.14, and A.16 all focus on ways to increase density of housing development. In particular, policy A.14 requires that Eugene review local regulations and remove barriers to higher density housing and to make provisions for a fuller range of housing options, and policy A.16 requires for that Eugene allow for the development of zoning districts which allow the overlap of established density ranges—and creates a flat prohibition upon allowing densities *below* existing Metro Plan density ranges, but does not provide a similar prohibition about allowing densities *above* existing Metro Plan density ranges. An interpretation of the Metro Plan that looks only at the text of policy A.9 without the context of other policies related to density is not reasonable.
- *Reasonableness:* Eugene interprets the Metro Plan requirements through its land use code. In the 2014 debate, it was argued that because Table 9.2740 stated that “all dwellings shall meet the minimum and maximum density requirements in accordance with Table 9.2750 Residential Zone Development Standards unless specifically exempted elsewhere in this land use code” this meant that ADUs must be subject to the density standards, and the clarification that was added in to the code in 2014 to include them in density calculations. However, another solution to that problem is not to explicitly *subject* ADUs to density standards, but rather to explicitly *exempt* ADUs from density standards. Many cities in Oregon have done just that (see sample

code below.) Springfield, who until recently shared a Metro Plan with Eugene, also does not count ADUs towards density. Eugene also exempts other forms of housing from density standards, for example by providing “density bonuses” for Affordable Housing and allowing this housing to develop at levels higher than what is allowed by the underlying plan.

- *Reasonableness*: Just as if Eugene code is determined to be inconsistent with the Metro Plan, the Metro Plan prevails, if the Metro Plan is inconstant with state statute, the state statute prevails. This is highlighted in numerous places through state law, including 197.646 and 197.829(d). As a result of SB 1051, state law now provides that each detached single-family home is permitted to develop at least one Accessory Dwelling Unit. Given that density regulations on ADUs are not design and siting, nor reasonable, if Eugene choses to interpret its Metro Plan density policies in a manner that does not permit the development of at least one accessory dwelling unit for each detached single-family dwelling, this interpretation would be inconsistent with state statute, and invalid.
- *Useful and Effective*: Subjecting ADUs to minimum density requirements is contrary to their intended purpose as a form of infill development—their intended purpose is to add a small amount of housing where a detached single-family home already exists. Given the current difference between permitted density and actual density in Eugene, and the relatively small number of ADUs permitted, exempting ADUs from density requirements would be unlikely to bring the actual density above the 10 units per gross acre range articulated in A.9, but would facilitate policy A.10, A.12, A.13, A.14 and A.16.
- *Useful and Effective*: When the City permitted ADUs in R-2, R-3, and R-4, it did not exempt ADUs from the minimum and maximum density requirements of those zones. Very few lots with single family homes would be able to add a unit and meet minimum density standards in zones with minimum density standards. So, for example, in an R-2 zone under density requirements, ADUs would be allowed where a single dwelling existed on a lot that was sized between 3,100 square feet and 6,700 square feet... the maximum density in R-2 is 28 units per acre and the minimum density is 13 units per acre. On a lot larger than 6700 square feet, 3 units of housing would be needed to meet the minimum density, and on a lot smaller than 3,100 square feet, two units would exceed the maximum density.
- *Useful and Effective*: Exempting Attached ADUs from minimum density in R-1 doesn’t make any sense since R-1 has no minimum density. This provision appears to be a hold-over from a previous version of code.

Other Cities: Half of the cities reviewed explicitly exempt ADUs from both minimum and maximum density calculations. The remaining cities do not mention density in the context of ADUs, but instead explicitly permit an ADU per lot or per dwelling basis.

Recommendation: **Either remove all references to ADUs as being subject to minimum and maximum density requirements, or explicitly state that ADUs are not subject to minimum and maximum density requirements.**

Sample Language: Cottage Grove

14.22.200 (B) (2) Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential District, due to their small size and low occupancy levels.

Prohibition on Alley Access and Flag Lots

Description: The Eugene Code prohibits new ADUs on alley access lots. ADUs are prohibited on flag lots created after August 29th, 2014. The S-C allows for detached (but not attached) ADUs in the R-1 subarea on alley access and flag lots. In the S-JW, only one dwelling is allowed on alley access lots, thus prohibiting additional one family dwellings that meet the definition of an ADU.

Where in the code: 9.2741(2), 9.2751(18)(a)(2), 9.2775 (4)(c), 9.3065 (2)(b)(1), Table 9.3625, 9.3811(1)(d)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	Yes	No

Explanation:

- *Siting and Design:* The position of the lot and the street access to the lot is not connected to the siting and design of the units on the lot.
- *Reasonableness:* No other cities had explicit prohibitions on ADUs for any lots, excepting lots that were below the legal minimum lot size. Eugene has extensive regulations related to dwellings on alley access and flag lots, many added at the same time as the 2014 ADU restrictions.
- *Useful and Effective:* The primary purpose for limiting ADUs on lots accessed by an alley or a flag lot would be to ensure that those dwellings could be served effectively by fire trucks. This is presumably why alley access dwellings further than a particular distance from the main street are required to have sprinklers in section 9.2751 (18)(a)(12) of the Eugene Code. If the primary motivation of prohibiting ADUs on alley access lots is indeed fire safety, a similar provision could be added for ADUs on alley access lots. This would be a less restrictive way to meet a public safety need than an outright ban. See below regarding flag pole access for ADUs on flag lots.

Other Cities: No other cities reviewed drew a distinction between alley access lots or flag lots and any other type of lot for the purposes ADUs.

Recommendation: Blanket alley access lot and flag lot prohibitions should be removed. If fire safety is a concern, then a sprinkler requirement for ADUs on flag/alley access lot that are not easily accessible by fire trucks could be added as exists in 9.2751 (18)(a)(12).

Flag Lot Access Requirements

Description: To allow for ADUs on flag lots, the minimum width of the pole must be at least 25 feet, and the no more than 4 dwellings (including primary and accessory) can take access off of the pole.

Where in the code: 9.2775 (5)(e)(1), 9.2775 (5)(e)(2)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	No	No

Explanation:

- *Siting and Design:* The geometric shape of the lot and the street access to the lot is not connected to the siting and design of the unit on the lot. The number of dwellings on adjacent lots are not siting and design.
- *Reasonableness:* Eugene bases its requirement for flag lot pole-width on the number of lots accessed from the same pole. It is feasible that lots with duplexes or other housing types with multiple dwellings on a single lot could be accessed by a single pole 15 foot pole. It is unclear why building a duplex on a flag lot would require an access pole of 15 feet, but a primary dwelling and an ADU would require a flag lot pole of 25 feet.
- *Clear and Objective:* In many places, standards are applied to particular lots and buildings. For example, when determine how many units are allowed on a lot under density standards, Eugene looks at the specific lot as opposed to attempting to determine the density of a neighborhood or block based on what has previously been built. In the case of section 9.2775 (5)(e)(2), whether or not an ADU is permitted on an individual lot is dependent on how a neighboring lot has developed. It is questionable as to if this can be applied in a clear and objective fashion.

Other Cities: Only two other cities specifically included ADUs in their limits on the number of dwellings that could be accessed off a single flag lot pole. Cottage Grove and Springfield both had limits on the number of dwellings (including ADUs) that could take access of one pole for a flag lot—Cottage Grove’s limit was four like Eugene; Springfield’s was 8 including ADUs. However, they did not limit ADUs based on the pole width of the flag lot. No other city required a larger pole width to permit an ADU.

Recommendation: Remove restrictions on ADUs on flag-lots based on pole-width.

Bedroom Limits

Description: In most areas, ADUs are limited to two bedrooms. In the University area, if the primary dwelling has 4 or more bedrooms, the ADU is limited to 1 bedroom.

Where in the code: 9.2751 (17)(a)(5), 9.2751 (17)(c)(7)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	No	No

Explanation:

- *Siting and Design:* The number of bedrooms a building has could be considered part of the design of the building.
- *Reasonableness:* While some parking standards for multi-unit buildings are based on the number of bedrooms in the apartments, no other housing type in Eugene, nor ADUs in other cities, had limits on the number of bedrooms permitted. In addition, no other housing type in Eugene nor ADUs in other cities have the number of bedrooms permitted based on the number of bedrooms in a different dwelling.
- *Reasonableness:* Based on testimony at the time, the bedroom limits were put in place in part to prevent ADUs from being used as student housing and to facilitate limiting the number of residents living an ADU. Eugene already has occupancy limits for housing that limit the number of unrelated people who can live in a dwelling to 5; the bedroom limit is redundant.
- *Reasonableness:* According to Louise Dix, a AFFH Specialist from the Fair Housing Council of Oregon during Fair Housing training provided to the Eugene Planning Commission, bedroom limits can have a disparate impact on larger families and be considered discrimination based on family status (10/9/18 Planning Commission Meeting, minute 36), and a violation of the Fair Housing Act. In addition, Eugene prevents housing discrimination based on age (over 18) and if in fact the intent of this regulation was to discourage young adults from residing in particular units or areas, it would be in conflict with of Eugene’s anti-discrimination measures. (Eugene Code 4.630) (page 2 of May 14th, 2014 city council meeting materials: “Those code amendments apply to the existing single-family neighborhoods surrounding the University of Oregon (Amazon, Fairmount and South University), which have experienced a substantial increase in unintended housing development associated with the demand for student housing and the proximity of the university. As adopted, they prohibit certain dwelling types and land divisions, and limit certain uses...” Intended purpose of these amendments was to limit housing development for housing for a particular class of citizens—i.e. students, who are disproportionately younger.)
- *Clear and Objective:* While Eugene includes a definition of a “bedroom” in the code, this definition is not able to be applied in a clear and objective fashion. The number of bedrooms in a home could be based not on any measurable quality of the building, but rather, the discretion of the real estate agent listing the house at any point in time. Interpretation would needed to determine, in the case of conflicting documents, which prevails. In addition, for some homes almost any room could be considered a bedroom based on the definition provided in part C. (see Appendix A sample floor plan from Sears, Roebuck catalog—in this case, the kitchen, living room, parlor, and dining room all meet the definition in section C of a bedroom, but presumably the City is not routinely counting what is clearly a kitchen as a bedroom, nor would it interpret this design to be an eight bedroom home.)

- *Useful and Effective:* From a practical perspective, a size limit of 800 square feet functionally limits the number of bedrooms that an ADU can have. Having a separate “bedroom” limit adds complexity and risk without providing much additional benefit beyond the square footage limit.

Other Cities: No other cities had specific limits on the number of bedrooms in ADUs.

Recommendation: Remove bedroom limits on ADUs.

Maximum Occupancy Limits

Description: The number of people allowed to live in an ADU in the University Neighborhoods is based on the number of bedrooms in the main house—if the main house has 3 or fewer bedrooms, three people are permitted to live in the ADU; 4 or more bedrooms limits the ADU to being occupied by 2 individuals.

Where in the code: 9.2751 (17)(c)(8)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	No	No

Explanation:

- *Siting and Design:* The number of people living in a building is not related to the siting or design of the building.
- *Reasonableness:* No other housing type in Eugene, nor ADUs in other parts of Eugene, has an occupancy limit for housing separate from the overall occupancy limit for dwellings in the city. No other housing type bases its occupancy limit on the number of bedrooms in a different dwelling. Only one other city had a separate occupancy limit for ADUs. No other city based occupancy limits, definition of a family, or other similar restrictions on the characteristics of a different dwelling.
- *Reasonableness:* Occupancy limits placed on the number of people, regardless of familial relationships, creates a great risk of family status discrimination. Would a couple with a child living in an ADU be required to move if they had a second child?
- *Reasonableness:* This requirement puts landlords who own ADUs in the position to have to choose between complying with City Code or State Law. ORS 90.262, which outlines the types of rules and regulations landlords may adopt regarding use and occupancy of a premises, states: “If adopted, an occupancy guideline for a dwelling unit shall not be more restrictive than two people per bedroom.” A landlord with a two-bedroom ADU in the University Neighborhoods would be required to place a more restrictive standard—1.5 people per bedroom—in place or else be in violation of city code.
- *Clear and Objective:* Enforcement of this requirement would be complaint based, and influenced by the conflict with anti-discrimination law. For example, would the city act against a couple who lived in an ADU and had a baby the same way they would react to a couple who lived in an ADU and had a friend move in with them? In addition, see above regarding bedroom limits. It is unlikely that this provision could be enforced in a clear and objective fashion.
- *Useful and Effective:* The City of Eugene already limits the residents of a dwelling to the definition of a “family” in the code, which includes a limit that no more than 5 unrelated persons can live in a single dwelling, and given their size, ADUs are unlikely to attract many larger households.

Other Cities: Only one other city- Hillsboro- had an occupancy limit for ADUs separate from occupancy limits in the overall code. Their limit is three persons. It is unclear when Hillsboro last updated their code surrounding this. No other city based occupancy limits on the number of bedrooms in a different dwelling.

Recommendation: Separate occupancy limits for ADUs should be removed.

Outdoor Trash Screening Requirements

Description: Owners of ADUs have to build a fence around their outdoor storage/garbage areas.

Where in the code: 9.2751 (17)(b)(4), 9.2751 (17)(c)(19), 9.3811(1)(e)(4)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	Yes	No

Explanation:

- *Reasonableness/Useful and Effective:* While in general Eugene requires screening of outdoor storage areas and garbage areas, it exempts one and two family dwellings from these requirements (9.6740). It is unclear why a one family dwelling plus an ADU has a requirement that two-family dwellings are exempt from. Fencing costs money, and since the City has already determined that exempting one and two family dwellings from garbage screening requirements is reasonable, it is unclear why properties with ADUs should be the exception to that.

Other Cities: Springfield has a trash screening requirement similar to Eugene's. All other cities had no separate trash screening requirements for ADUs.

Recommendation: **Remove.**

Dog Keeping Limits

Description: No more than three dogs are permitted on a lot with an ADU, though an additional dog can come visit for up to six months.

Where in the code: 9.2751 (17)(a)(6), 9.2751 (17)(c)(10)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	No	No

Explanation:

- *Siting and Design:* How many dogs are allowed on a lot is not related to the siting or design of a structure.
- *Reasonableness:* ADUs are the only type of dwelling in Eugene that has specific limits on the number of dogs permitted on the lot, separate from regulations regarding kennels.
- *Clear and Objective:* The number of dogs living on a lot at any given time is changeable, and not able to be enforced or applied in a clear and objective fashion. The City would likely need to be responding to a complaint and would otherwise be exercising discretion as to when and where to enforce this provision.
- *Useful and Effective:* There is some implication, by the definition and language surrounding “kennels,” that any lot that has more than four dogs might be considered a kennel and thus only permitted with specific requirements. If so, and a dog limit of four exists overall, then it is unclear why a lot with an ADU would be permitted fewer dogs than a lot with a single-family home or a duplex.

Other Cities: No other city had ADU-specific dog limits.

Recommendation: Remove ADU specific dog limit. If desired, draft different language to limit the number of dogs permitted on residential properties in, for example, section 6.005 of the Eugene City Code.

Maximum Wall Length

Description: Detached ADUs are required to have recesses or extensions of at least 2 feet deep by five feet wide, for the full height of the building, at least every 25 feet.

Where in the code: 9.2751 (17)(b)(6), 9.2751 (17)(c)(20)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	Yes	No

Explanation:

- *Reasonableness:* While articulation standards exist for other types of buildings in Eugene, notably for multi-family buildings, they do not exist for single family homes or other buildings that are typically as small as ADUs, and usually provide options and adjustment criteria. For example, the multi-family standards (9.5500(7)) have an articulation requirement, but it provides multiple options including offsets, entries, etc. and is adjustable.
- *Useful and Effective:* The Articulation Requirement is not one that can be adjusted. Given that the intent is to ensure that the building holds some points of interest, and there are multiple ways to do that other than recesses or extensions, this is a standard that should be adjustable.
- *Useful and Effective:* Given the small size of ADUs, and the additional cost of adding recesses and extensions to a structure, a recess might not even be the most effective way to add interest to an ADU. This provision adds to the cost of an ADU without necessarily accomplishing the intended goal.
- *Useful and Effective:* This is one of the only design standards applied to ADUs (perhaps with the covered entry provision) that attempts to ensure that ADUs are not just boxes. There is a whole menu of methodologies to prevent that; it is unclear why this is the singular methodology encoded.

Other Cities: While many cities had design standards to attempt to ensure that ADUs were visually interesting or “matched” the primary dwelling, this primarily addressed items like building materials, windows, or roof pitch. Only Springfield had a maximum wall length standard similar to Eugene’s, and that standard was explicitly adjustable.

Recommendation: Remove maximum wall length standard. Alternately, revise the standard to better accomplish the goal of avoiding blank walls and make it an adjustable standard.

Sample Code: Eugene 9.5500

(7) Building Articulation.

(a) Articulation Requirement. To preclude large expanses of uninterrupted wall surfaces, exterior elevations of buildings shall incorporate design features such as offsets, projections, balconies, bays, windows, entries, porches, porticos, or similar elements.

1. Horizontal Surface. At least 2 of the design features outlined above shall be incorporated along the horizontal face (side to side) of the structure, to be repeated at intervals of no more than 40 feet.

2. Vertical Surface. At least 2 of the design features outlined above shall be incorporated along the vertical face (top to bottom) of the structure, to be repeated at intervals of no more than 25 feet.

(b) When offsets and projections are used to fulfill articulation requirements, the offset or projection shall vary from other wall surfaces by a minimum of 2 feet. Such changes in plane shall have a minimum width of 6 feet.

(c) Individual and common entry ways shall be articulated by roofs, awnings, or porticos.

(d) Criteria for Adjustment. Adjustments to the standards in this subsection may be made, based on the criteria of EC 9.8030(4) Building Orientation and Entrance Standards Adjustment.

Conversion of an Existing Structure

Description: Existing buildings may be converted to ADUs through an adjustment review process provided they are at least 5 feet from the interior property line (or there is a note from the adjacent property owner), the building satisfies all accessory dwelling standards except for the slopped setback requirements, and the ADU is limited to 600 square feet and 15 feet in height. The adjustment review process to convert an existing dwelling into an ADU is not permitted in the University Neighborhoods.

Where in the code: 9.8030(34)(b), 9.2751 (17)(d)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes*	No	No	No

Explanation:

- *Siting and Design:* While all of the specific requirements are related to siting and design, the application to existing buildings only is questionable—see below regarding clear and objective.
- *Reasonable:* The height and square footage standards for a legally established building to be converted into an ADU are less than the standards that are applied to new construction of a building. No other type of housing in Eugene requires different standards for remodeling or conversion, nor do any other cities require that other buildings being converted into ADUs be smaller or shorter than new construction.
- *Clear and Objective:* While adjustment review is a discretionary process, and thus doesn't have to be clear and objective, it is questionable as to if all conversion of an existing structure into an ADU should be required to go through a discretionary process, particularly as to conversions of portions of existing structures (i.e. turning part of an existing single-family home into an ADU.) If an existing structure meets the clear and objective standards to be permitted as an ADU, it should not be required to go through an adjustment process. In addition, the provision for written consent from an adjacent property owner puts the discretion in the hands of the next door neighbor.
- *Useful and Effective:* One of the advantages to ADUs as a housing type is that they can often be constructed with less expense than other newly constructed dwelling types, and thus rented at a lower rate. Converting an existing structure into a dwelling is also frequently less expensive than building an entirely new structure. The impact of this standard is to require conversions to go through a more expensive and time-consuming process, and to limit the existing building that could be converted beyond the overall requirements for ADUs. It is unclear how the impact of a converted ADU would exceed that of a newly constructed ADU enough to justify smaller requirements.

Other Cities: Medford outlined a process to convert “illegal” ADUs into legal ADUs. Other than that, no other discussion of conversion of existing buildings to ADUs was found in other city’s code. No other city required that existing buildings that were being converted to ADUs be smaller than newly-constructed ADUs.

Recommendation: **Revise to clarify that existing buildings only need to go through this process if they require an adjustment to ADU standards. Revise to clarify that ADU conversions can be the same size as a newly built ADU. Revise to allow additional adjustments.**

Flat Square Footage Limits

Description: In almost all zones, the total building square footage of an ADU shall not exceed 800 square feet. In the S-RN, they may exceed the 800 square foot limit if they are the full story of a multi-story residential structure.

Where in the code: 9.2751 (17)(a)(2), 9.3811 (1)(a)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes	Yes	Yes

Explanation:

- The size of a building is an element of the design of the building.
- Given that ADUs are, by definition, “accessory” to single family homes, it is reasonable that they be smaller than the primary dwelling.

Other Cities: Square-footage based size limits are universal in other cities’ ADU code. 800 square feet is a common size, with the range being between 600-1000 square feet. Some cities had separate (smaller) size limitations for detached ADUs vs. attached/interior ADUs. Creswell allows ADUs that are the entire story of another building (basement, attic, etc.) to exceed 800 square feet.

10 cities, in addition to have a flat square footage maximum for the ADU as described above, limited the size of the ADU to a percentage of the size of the primary dwelling (ranging from 40% to 100%), presumably with the intent of ensuring that ADUs were in fact smaller than the primary dwelling.

Verdict: An 800 square foot size limit for ADUs should be retained. Language similar to that in the S-RN regarding exceeding the 800 square foot limit if they are the full story of a multi-story structure may want to be considered to be applied elsewhere.

Square-Footage Limits Based on Lot Size

Description: The square footage of an ADU is limited to 10% of the lot area. In the University areas, for lots between 7,500 and 9,000 square feet, ADUs are limited to 600 square feet.

Where in the code: 9.2751 (17)(a)(2), 9.2751 (17)(c)(5)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	Yes	No

Explanation:

- *Siting and Design:* The size of a structure is related to the design of the structure.
- *Reasonableness:* No other housing type (with the exception of any dwellings on alley access lots, a requirement implemented at the same time as this one) is limited in square footage based on the lot size separately from lot coverage minimums.
- *Useful and Effective:* Particularly for conversions of existing structures, attached ADUs, or interior ADUs, regulating the size of the ADU based on the size of the lot can create substantial complexities and barriers. Given that roughly 47% of residentially zoned lots in Eugene are under 8,000 square feet, it effectively applies a smaller square footage maximum for ADUs on many properties, determined on a property-by-property basis. It would also make very difficult to implement programs such as “pre-approved” ADU designs (suggested by the Housing Tools and Strategies working group) as the pre-approved designs may not be allowed on many lots.
- *Useful and Effective:* ADUs are already limited to 800 square feet, and lot coverage also is limited to 50% of the lot in R-1. It is unclear what benefit is provided by requiring that an ADU on a 7,500 square foot lot be 750 square feet instead of 800.

Other Cities: No other city reviewed limited the size of ADUs to a percentage of the lot size. Bend had separate building square footage limits for lots under 6000 square feet (600 square foot ADU maximum) and lots over 6000 square feet (800 square foot maximum.)

Recommendation: Size limit based on a percentage of lot size should be removed.

Allowance for Unheated Garage Space

Description: Detached ADUs are allowed to have up to 300 square feet of garage or storage space attached, in addition to the 800 square foot size limit.

Where in the code: 9.2751 (17)(b)(1)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes	No	No

Explanation:

- While the idea of allowing a detached ADU to have a one-car garage or a storage space that doesn't count towards the square footage limit is reasonable, the phrasing of this provision creates substantial confusion as to if above-garage apartments are allowed. Some sort of rephrasing to clarify if an ADU can be built above a two-car detached garage used by the primary house would be helpful. Prohibiting above-garage ADUs may have been an unintended consequence of this provision.

Other Cities: Similar code provisions were not found in other cities' code. Tigard had code that provided clarity about the interaction between an ADU and an connected, non-ADU accessory structure such as a garage.

Recommendation: Rewrite this provision to clarify applicability to above-garage ADUs.

Sample Code: Tigard

18.40.120 (A)

If an accessory dwelling unit is located above a detached accessory structure, such as a garage, the floor area of the portion of the building utilized as an accessory structure is not included in the calculation of square footage for the accessory dwelling unit. The square footage limits for accessory structures and for accessory dwelling units remain in effect.

Height Limits

Description: Attached ADUs that are located more than 60 feet from the front of the lot are limited to a total of 18 feet in height, with a requirement for a sloped setback. Attached ADUs within 60 feet of the front of the lot are limited to the height of the main building. ADUs do not received the additional height allowance for sloped roofs that other buildings receive. Detached ADUs have the requirement for sloped setback regardless of where on the lot they are placed. The height limit for detached ADUs in the S-C/R-1 subarea is 20 feet, with no requirement for sloped setbacks. Detached ADUs in S-RN are limited to 25 feet. Adjustment Review allows ADUs that are 20 feet from all interior property lines and within the sloped setback to be up to 24 feet tall, to allow for accessory dwellings over accessory buildings.

Where in the code: 9.2751 (3)(d), 9.2751 (17)(a)(3)(b), 9.2751 (17)(a)(3)(a), 9.2751 (17)(b)(5)(a), 9.2751 (17)(c)(9)(a), 9.2775 (5)(e)(3)(a), 9.3065 (2)(b)(2), Table 9.3815(3)(n), 9.8030(34)(c), 9.2775(5)(e)(3)(c), 9.2751 (17)(b)(5)(c)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	No	No

Explanation:

- *Reasonableness:* Eugene’s ADU height limitations are complex, and don’t recognize the distinction between attached/interior ADUs, over-garage ADUs, and detached ADUs—for example, would converting the back-half of the second story of an existing single-family home be subject to the ADU height limit?
- *Reasonableness:* Eugene doesn’t regulate the height of other dwelling types based on position on the lot. A two-story detached single-family home could be built with a second story more than 60 feet from the front of the lot line without sloped setback, which presumably would have the same impact as an ADU at that location. It is unclear why a dwelling type of an ADU would require additional height regulation that single-family dwellings, duplexes, etc. wouldn’t.
- *Reasonableness:* 18 feet with a sloped setback is an atypically small height limit—it limits ADUs to 1 to 1.5 stories, as opposed to most other cities, where height limits are sufficient to allow two story ADUs.
- *Clear and Objective:* It is unclear if the height limit for ADUs in the front part of the lot are limited to the height of the primary dwelling on the lot, or the main building height as listed in table 9.2750. In addition, it is unclear what the height limit is for ADUs that have a portion of the building more than 60 feet from the front of the lot line and a portion of the building less than 60 feet from the front of the lot line.
- *Useful and Effective:* It is presumed that the intent of this regulation is to limit ADUs to one story. However, as it applies to both detached and attached ADUs, it effectively limits ADUs places on the second story of a building. While 9.2751(17)(b)(5)(c) allows for the standard be adjusted to allow an ADU to be constructed over a garage or other accessory building, this effectively prohibits a backroom or an attic of an existing single-family home from being converted to an ADU.
- *Useful and Effective:* Given standard lot-sizes in Eugene and the fact that by definition an ADU is on a property with at least one other building, the ability to adjust the height limit only if the building is at least 20 feet from interior lot lines creates a substantial barrier to creating ADUs over accessory buildings.

Other Cities: Most other cities either have no separate height limit for ADUs, or limit ADUs to between 24-28 feet (2 stories). No city had a height limit as low as 18 feet (the only city with a height limit less than 24 feet was Oakridge, with a height limit of 20 feet.) No city had height standards as complex as Eugene's, or based height limits on where the ADU was located on the lot.

Recommendation: ADUs should be subject to the height limit of the base zone. Slope requirements and separate height requirements based on position on the lot should be removed.

Sample Code: Gresham

10.0120 (D)

Accessory Dwellings shall be consistent with the applicable setback, height and lot coverage standards of the land use district; in the case of non-conforming single-family homes, the LDR-7 setbacks and height requirements shall apply to the proposed Accessory Dwelling.

Setback Requirements

Description: ADUs are required to be set back five feet from the interior lot line. This requirement is repeated separately for ADUs that are within 60 feet of the front of the lot and ADUs are that are more than 60 feet from the front of lot. For ADUs on flag lots, the setback requirement is 10 feet, which is consistent with other new buildings on flag lots.

Where in the code: 9.2751 (17)(a)(3)(a), 9.2751 (17) (a)(3)(b), 9.2751 (17)(b)(5)(a), 9.2751 (17)(c)(9)(a), 9.2775 (5)(e)(3)(a)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes	No	No

Explanation:

- *Siting and Design:* Setbacks govern where a building is placed on a lot, and are siting requirements. A five-foot setback from the lot line is fairly standard, and consistent with other structures in Eugene.
- *Clear and Objective:* See above regarding clear and objective application of within 60 feet/greater than 60 feet language.
- *Useful and Effective:* Given that the overall requirement for setbacks in R-1 is 5 feet, and that the setback back is the same no matter where the ADU is sited on the lot, the language surrounding this is redundant. While having a setback for ADUs is useful, including it the particular location and manner that it is confusing.

Other Cities: All cities reviewed had setback requirements for ADUs that were the same as the base zone.

Recommendation: Retain 5 foot setback, but revise language to decrease redundancy/increase clarity.

Setback Intrusions Limitations

Description: While most buildings are allowed to have particular architectural features intrude into the setback, such as eaves, bay windows, porches, and awnings, ADUs are limited to having eaves and chimneys that project into the setback for no more than two feet.

Where in the code: 9.2751 (17)(a)(3)(c), 9.2751 (17)(b)(5)(b), 9.2751 (17)(c)(9)(b), 9.2775 (5)(e)(3)(b)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	No	Yes	No

Explanation:

- *Reasonable:* It is unclear why ADUs, unlike any other dwelling structure has a more limited requirement for setback intrusions. It is inconsistent with how Eugene treats other types of residential structures.
- *Useful and Effective:* The presumed intent of this regulation is to prevent porches, bay windows, and other features which may impact the privacy of a neighbor. As described elsewhere, if a particular element is a concern for an ADU, it should also be a concern for a single-family home, and revised overall. However, in conjunction with the wall length requirement, it is clear one overall goal is to create architectural interesting ADUs; providing additional restrictions on eaves, cornices and other architectural features seems to serve merely to require an increased setback for interesting ADUs, and reward ADUs that have fewer features of interest with a decreased setback requirement.

Other Cities: Hillsboro had a requirement ADU requirement that eaves be at least two feet away from the property line; otherwise, no other city had special mention of setback intrusions as relates to ADUs.

Recommendation: Remove the extra limitations on setback intrusions for ADUs.

Attached ADU Connection Standards

Description: To be considered an attached ADU, an ADU must share a common wall or ceiling for at least 8 feet.

Where in the code: 9.2751 (17)(a)(4), 9.2751 (17)(c)(6)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes	Yes	Yes

Explanation:

- *Useful and Effective:* It makes sense to have a standard for what constitutes an attached vs. detached ADU only if different standards apply to detached vs. attached ADUs. If the same standards are applied to both attached and detached ADUs, then the standard is not necessary.

Other Cities: No definition of “attachment” with any more detail than Eugene’s was found in any other city’s code. Most did not define a minimum amount of connection for “attached” ADUs at all.

Recommendation: Remove if different standards don’t exist for attached/interior ADUs vs. detached ADUs. Otherwise retain.

University Lot Dimension and Coverage Requirements

Description: In addition to the lot size minimum, the boundaries of a lot with an ADU must be sufficient to fully encompass an area with a minimum dimension of 45 feet by 45 feet. In addition, unlike other R-1 areas, all roofed areas are included as part of the calculations for lot coverage.

Where in the code: 9.2751 (17)(c)(2), 9.2751 (17)(c)(3)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
No	No	Yes	No

Explanation:

- *Siting and Design:* As discussed previously with flag lots, the geometric shape of a lot itself is not siting and design.
- *Reasonable:* Eugene excludes roofed eaves and covered porches/balconies/carports that are open on at least 50% of their perimeter from lot coverage calculations for all other housing types and for ADUs in other neighborhoods.
- *Useful and Effective:* It is unclear what purpose the regulations serve, particularly in conjunction with other regulations such as maximum size for ADUs, overall lot coverage standards, and setback requirements.

Other Cities: No other city had similar requirements.

Recommendation: Remove these requirements.

University Parking Requirements

Description: Driveways and parking areas in the University Areas are limited to 20% of the total lot area. The lot is required to have at least two but no more than three parking spaces. For lots where the primary vehicle access to the ADU is via the alley, standards for alley access lots located at 9.2751(18)(a)11 are applied, which includes size restrictions on garages and parking areas.

Where in the code: 9.2751 (17)(c)(4), 9.2751 (17)(c)(15), 9.2751 (17)(c)(16)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes	Mixed	Mixed

Explanation:

- *Clear and Objective/Useful and Effective:* While overall providing limits on the parking areas and number of parking spaces on a lot is useful, particularly in areas where active transportation is encouraged, the cross-reference to section 9.2751(18)(a)(11) creates some amount of conflict—most notably, for a lot with an ADU that takes parking access from an alley, it is unclear if the total vehicle use area is limited to 400 square feet or 20% of the lot area; if the parking requirements apply only to alley access parking or if they would extend to a separate parking area accessed by the front of the lot, or if it is even physically possible to construct the number of parking spaces required under the alley access parking rules.

Other Cities: Overall parking requirements for other cities were not reviewed; however, it appeared that parking for ADUs was governed by overall code requirements for parking, as opposed to being specific to ADUs. The primary difference was to exempt ADUs from parking requirements in some cases.

Recommendation: Retain the majority of this code, but resolve conflict between ADU and alley access code.

Applicability of Standards in Other Zones

Description: In some special area zones, the standards for ADUs contained in sections 9.2751(17) are applicable; in others they are not. In addition, the summary for 9.2751(17) specifically refers to ADUs in R-1, leaving it unclear as to if the standards are intended to apply to ADUs in other zones (R-2, etc.)

Where in the code: 9.2751(17), Table 9.3115, Table 9.3210, 9.3215(2), Table 9.3310, 9.3510 (1)(b), Table 9.3810, Table 9.3910, 9.3915(13)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
N/A	N/A	No	No

Explanation:

- **Clear and Objective:** In some special area zones (S-CN, S-E, S-HB) ADUs are a permitted use, with no reference to additional standards. S-DW specifically exempts the ADUs in that zone from the standards in 9.2751(17), while 9.3915(13) specifically applies the standards to the S-W. S-RN has a separate set of ADU standards, which are the same as those which previously existed in the R-1 zone prior to the 2014 update and contain overlapping provisions. This leaves it open to interpretation as to which standards apply to ADUs in which zones.
- **Useful and Effective:** The intent of the S-C and S-JW revision below was to ensure that SAZs didn't have new regulations applied that were inconsistent with SAZ code. However, by applying the regulations in 9.2751(17) specifically to the S-W zone without analysis as to the compatibility of the standards with the S-W zone or SB 1051 overall, the city applied new standards to a Special Area Zone without review specific to that Special Area Zone. Either SAZ zones can/should be modified in conjunction with the base code without special consideration (in which case S-JW and S-C should permit ADUs) or they shouldn't be (in which case the standards in 9.2751(17) should not apply in S-W.) In addition, as an explicitly mixed-use zone that allows for multi-unit and higher density development, it is unclear why the restrictive standards applied to ADUs in R-1 should be continued, and why they were not for any other SAZ.
- **Useful and Effective:** The S-RN zone retains the ADU standards that existed in the Eugene code prior to the revisions of 2014. While phrased differently than the code provisions analyzed about, they contain many of the same concepts such as owner-occupancy. These standards will also need to be reviewed and adjusted in light of ORS 197.312.

Other Cities: Most cities had far fewer or no "special" zones that are comparable to Eugene's. Detailed analysis of how ADUs were handled in the special zones that did exist was not done.

Recommendation: **Revise language so that applicability of ADU standards in Special Area Zones and non-R-1 zones is clear. Remove impermissible legacy ADU regulations (such as owner occupancy.)**

S-C and S-JW Terminology

Description: In the S-C and S-JW special area zones, buildings that meet the definition of ADUs are to be referred to as “one-family dwellings” as opposed to “Accessory Dwellings”

Where in the code: 9.3060(2), 9.3615(2)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
N/A	N/A	N/A	No

Explanation:

- This is a terminology question, as opposed to a question of standards or regulations, so it is not evaluated for siting and design, reasonableness, or clear and objective application. LUBA found that referring to ADU like structures as “additional one family dwellings” is permissible.
- *Useful and Effective:* It appears that the idea behind this phrasing is that even if at a future date the City modified the regulations surrounding ADUs, it would not affect the S-JW and S-C areas. For example, the S-JW permits additional single-family dwellings on lots over 4,500. By not calling them ADUs, the terminology change attempts to ensure that even if lot size minimums are removed for ADUs, S-JW can still disallow ADU like structures on lots under 4,500 square feet. However, LUBA has also held that the city may limit access to accessory dwelling units only pursuant to “reasonable local regulations related to siting and design.” As according to LUBA, “additional one family dwellings” are ADUs for the purposes of ORS 197.312(5), the S-C and S-JW zones cannot avoid compliance with the law by simply calling the structures something else. The intent of ensuring that ADUs or ADU-like-dwellings would be prohibited for particular single-family home owners in those neighborhoods was not achieved by changing what they were called. Instead, it has created confusion and the necessity of creating work-arounds in other processes. (See: allowance for Transportation SDCs to be reduced for homes under 800 square feet rather than ADUs in order to ensure that ADU-like buildings in these zones would be eligible for the SDC reduction.)

Other Cities: This is a unique situation and comparison to other cities is difficult. However, no other information was found indicating that other cities used a different term to refer to ADU-like structures in select zones.

Recommendation: Remove the additional language and permit ADUs called ADUs outright in the S-JW and S-C zones; alternately, ensure that the S-JW and S-C zones do not disallow additional one family dwellings based on anything other than reasonable regulations related to siting and design (i.e. lot size.)

Pedestrian Access Requirements

Description: Detached ADUs are required to have a hard-surface pedestrian walkway from the street/alley to the entrance. The pedestrian walkway is not required in the S-C/R-1 subarea.

Where in the code: 9.2751 (17)(b)(2), 9.2751 (17)(c)(17), 9.3065 (2)(b)(3), 9.3811(1)(e)(2)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes*	Yes	Yes*

Explanation:

- *Reasonableness:* While pedestrian walkways are not called out to be hard surface in this manner for single family home, duplexes, etc. the requirement for pedestrian walkways is common in other areas of the code, and driveway standards also exist for other housing types.
- *Useful and Effective:* The requirement for a hard surface walkway does add to the cost of developing a dwelling. Less expensive hard surface materials tend to be impermeable; specific recommendations for permeable surfaces that allow groundwater absorption might be useful. In particular, this should be an adjustable standard.

Other Cities: Springfield and Florence had pedestrian access requirements similar to Eugene's, and Corvallis required space between pedestrian access for ADUs and adjacent properties; otherwise, no other city had unique pedestrian access standards for ADUs.

Recommendation: Retain. Should be made adjustable. Could be revised to more explicitly promote permeable surfaces, or removed as unnecessary restrictive, but it complies with all of the review standards requirements as is.

Covered Entrance Requirements

Description: Detached ADUs are required to have a primary entrance with a covered area at least 3 feet by 3 feet.

Where in the code: 9.2751 (17)(b)(3), 9.2751 (17)(c)(18), 9.3811(1)(e)(3)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes	Yes*	Yes	Yes*

Explanation:

- *Reasonableness:* While most dwelling types do not have a similar requirement for covered entry ways in the base zone, requirements for covered entryways or porches are included in several special area zones.
- *Useful and Effective:* Requiring covered entry ways adds to the cost of a development, but it is also an effective and useful way to ensure architectural interest in a building. However, it should be an adjustable standard to allow for other methodologies, particularly for existing structures.

Other Cities: While several other cities had design requirements for ADUs, and Springfield had a similar covered entrance requirement to Eugene's, most other cities did not specifically require covered entrances for ADUs.

Recommendation: **Retain. Allow this to be an adjustable standard.**

Minimum Off-Street Parking Spaces

Description: ADUs are required to have one off street parking space.

Where in the code: 9.3811(1)(c), Table 9.6410

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
Yes*	Yes*	Yes	No

Explanation:

- Most cities reviewed retained a parking requirement of some sort for ADUs, even after updating other elements of their ADU code. Eugene consistently requires parking for most buildings in most areas. However, proposed HB 2001 specifically indicates that requiring additional parking shouldn't be considered a regulation related to siting and design, in a section providing legislative clarification for SB 1051. Parking requirements meet the "reasonableness" standards outlined in this document, and it is unclear how much preemptive weight should be given to a proposed (as opposed to passed) legislative measure.
- Creating additional parking is an expensive proposition, and according to DLCD, it is not recommended that jurisdictions include an off-street parking requirement in their ADU standards. As small accessory units, sometimes occupied by family members, sometimes in areas with access to non-car transportation, additional parking may not be necessary.

Other Cities: Four cities required no additional parking for ADUs (Salem, Medford, Corvallis, and Creswell); most others required at least one parking space per ADU.

Recommendation: No recommendation made. While in the opinion of this writer, requiring additional parking for ADUs can create a substantial barrier and the parking requirement should be removed, by the criteria used for this analysis it is a "reasonable" local regulation.

Exemption from Underground Utility Standards

Description: ADUs are exempt from having to construct underground utility infrastructure if they can be served by legally established above ground utility service to the primary dwelling.

Where in the code: 9.6775(c)

Siting and Design	Reasonable	Clear and Objective	Useful and Effective
N/A	Yes	N/A	Yes

Explanation:

- *Reasonableness:* Other new connections to structures or buildings with legal existing above ground utility service are also exempt from the requirement to place utilities underground.
- *Useful and Effective:* Undergrounding utilities requires substantial money and time. Allowing ADUs to use existing utility infrastructure reduces barriers to ADU development.

Other Cities: Detailed analysis of other cities' utility standards was not completed; however, at least one other city (Cottage Grove) had ADU standards that allowed for use of existing utility connections.

Recommendation: Retain.

A Note on Accessory Buildings

While SB 1051 makes no requirements on accessory buildings that are not used for dwellings, it is relevant to note that the majority of the code related to Accessory Buildings in R-1 (9.2751 (16)) was passed at the same time as the update to the code surround Accessory Dwelling Units. It contains many provisions that are similar to those for Accessory Dwelling Units in Eugene, including square footage limits based on the size of the lot, sloped-setback height limits, and deed restrictions. The clear intent of this code was to regulate structures that would have the potential to be converted into ADUs at a future date.

While not required by SB 1051 or LUBA, it may not be out of line to review this section of the code as well for objectivity, feasibility, and reasonableness.

Comparable Cities

Summary of Analysis

For the purpose of this analysis, the zoning code of 16 cities that could be considered comparable to Eugene was examined—all 10 other cities in Oregon with a population between 50,000 and 200,000 (mid-size cities), and the 6 additional cities in Lane County with populations between 2,500 and 50,000 (Lane cities.)

The most recent versions of the zoning code that were able to be examined via the internet were used, and were examined as fully as possible for comparison with elements of the Eugene code; however, given the variances in overall structure of the code, terminology and robustness of website tools, it is conceivable that elements of code that may affect ADUs, particularly if located outside of ADU standards, may have been missed. Where necessary, additional sources (city council minutes and passed ordinances, news reports, informational fliers) were used to verify interpretations and status.

The majority of the cities (at least 7 of the mid-sized cities, and 3 of the Lane cities) made updates to their code in 2017 or 2018 that affected ADUs. Two other cities began a process to update their ADU code that was not completed as of this writing, and at least one other identified only one change needed and instructed staff to fold it into a future code update. All told, at least 14 of the 16 cities attempted to address the requirements of SB 1051 in some form or another. Some notes:

- It is unclear when **Hillsboro** last made updates to the ADU code; however, with the exception of the three-person occupancy limit for ADUs, they appear to be substantively in compliance with SB 1051.
- **Beaverton** code reviewed was dated in 2002, and a more recent version was not found. In a memo, Beaverton indicated that they would approve one ADU per single family home as opposed to one per lot as indicated in their code, and would update their code at a later date. Other than this, they appeared to be in compliance with SB 1051.
- **Corvallis** updated their ADU code in 2018; however, like Eugene they are explicitly using a “two-phase” process to address SB 1051 compliance. In phase 1, completed in 2018, they removed lot size minimums that previously existed for ADUs. They have stated that owner-occupancy requirements are among the elements to be examined in Phase II.
- **Albany’s** ADU code was last updated in 2007; in 2018, the Albany City Council twice approved ADU code modifications that would have increased the maximum square footage of ADUs and removed the owner occupancy requirements; both times it was vetoed by the Albany Mayor and the final outcome of the process is still pending.
- **Junction City** identified owner occupancy requirements in their code as an element of their code in need of revision in light of SB 1051, and included modifying it in a list of future code amendments to be completed as time allows.
- **Veneta** proposed modifications to their ADU amendments in December of 2018; however, the vote on these amendments was delayed and was still pending as of the writing of this report.
- **Oakridge** appears to have not updated their code related to ADUs since it was originally passed in 2004, and no information was found about plans to do so. Oakridge was also the smallest city reviewed in the process.

Additional Provisions from Other Cities

Several cities had ADU provisions that touched on topics not addressed in Eugene’s code, but may be of interest. This is not necessarily a recommendation that similar provisions be applied in Eugene, but rather examples of how other cities have gone beyond the minimums required by state law.

Medford- CC&Rs

In Eugene, there has been some conversation about how some CC&Rs restrict the ability of property owners to build ADUs, and the impacts of this on neighborhoods that do not have CC&Rs. Medford has specifically limited CC&Rs from prohibiting ADUs.

Medford Section 10.821 (9)

A development’s Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance [December 16, 2004] shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

Medford and Junction City- Lot Coverage Bonus

While in most cities lot coverage standards remain the same regardless of if there is an ADU on the lot, both Medford and Junction City allow for a “coverage bonus” when an ADU is constructed, and allow greater lot coverage for lots with ADUs.

Junction City Section 14. Lot Coverage.

In a R1 zone, buildings shall not occupy more than 40 percent of the lot area except where an accessory dwelling unit is constructed, and then buildings shall not occupy more than 50 percent of the lot area.

Springfield and Florence– Standards for Manufactured Homes or Towable Structures (i.e. tiny homes on wheels)

The permissibility of Tiny Homes on Wheels in residential zones and their status under the code is a separate but related discussion to the ADU question. Both Springfield and Florence have created standards for the use or conversion of Wheeled Homes as ADUs.

Springfield:

If a Type 2 manufactured home or a towable structure (that is permitted, inspected and approved by the local authority having jurisdiction) is brought to the site as an accessory dwelling unit, it shall have its tongue and towing apparatus removed. It shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with stone, brick or other concrete or masonry materials approved by the Building Official and with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home (if the dwelling is placed on a basement, the 24-inch limitation will not apply). (6384; 6376)

Mobile homes, recreational vehicles, motor vehicles, and travel trailers shall not be used as an accessory dwelling unit. Type 2 Manufactured Homes and towable structures that are permitted, inspected and approved by the local authority having jurisdiction are allowed. (6376)

Florence, 10-10-6:

i. Dwellings built on an axled frame designed for transportation on streets and highways do not qualify as ADUs unless made permanent through the payment of System Development Charges.

ii. ADUs built on an axled frame may be considered a permanent dwelling through the removal of tongue and running gear, addition of blocking, and the addition of skirting.

Tigard, Springfield, and Creswell- Multiple ADUs per Lot

While SB 1051 only required that each detached single family home be allowed one ADU, Tigard, Springfield and Creswell allowed additional ADUs on the same lot. In Springfield's case, this was only in higher density zones. Tigard allowed multiple ADUs in all zones. This was limited to either two attached or one attached and one detached ADU.

Tigard 18.220.040 A

- 1. A maximum of 2 accessory dwelling units are allowed per single detached house*
- 2. A maximum of 1 detached accessory dwelling unit is allowed per single detached house A second accessory dwelling unit must be attached to the primary unit.*

Medford- Illegal ADU Conversion Standards

While an exact count is impossible, it is known that there are some number of structures that are being used as ADUs but that are unpermitted and likely have not been inspected for safety. Owners of such structures have sometimes asked how to make them "legal." Medford recently implement a process for exactly that.

Medford 10.821

(D) Illegal ADUs

It is the intent of subsection 10.821(D) to offer a land use review process to convert illegal ADUs to a nonconforming structure or use. Any such ADU shall adhere to the following:

- (1) Illegal ADUs seeking conversion to a nonconforming structure or use shall have been constructed prior to January 1, 2019. The owner, not the City, has the burden of proving that any illegal ADU structure or use was occupied, constructed and/or used prior to January 1, 2019.*
- (2) All applicable permits and utility connections required by Medford Municipal Code for the illegal ADU shall be obtained prior to the issuance of any Certificate of Occupancy or other required licensed for occupancy of the ADU.*
- (3) All building, fire, life and safety codes shall be met.*
- (4) If the standards of Article V of the Medford Land Development Code otherwise cannot be met, the land use approval for an illegal ADU shall be subject to the land use review procedures of the Type III, Exception land use review (Section 10.186). The applicable Exception criteria for converting an illegal ADU shall be 10.186(B)(1-3).*
- (5) An illegal ADU converted to a legal structure or use per 10.821(D)(4) in this subsection shall be considered a nonconforming ADU once all standards of 10.821(D)(1-4) have been met.*

Comparative Code Chart

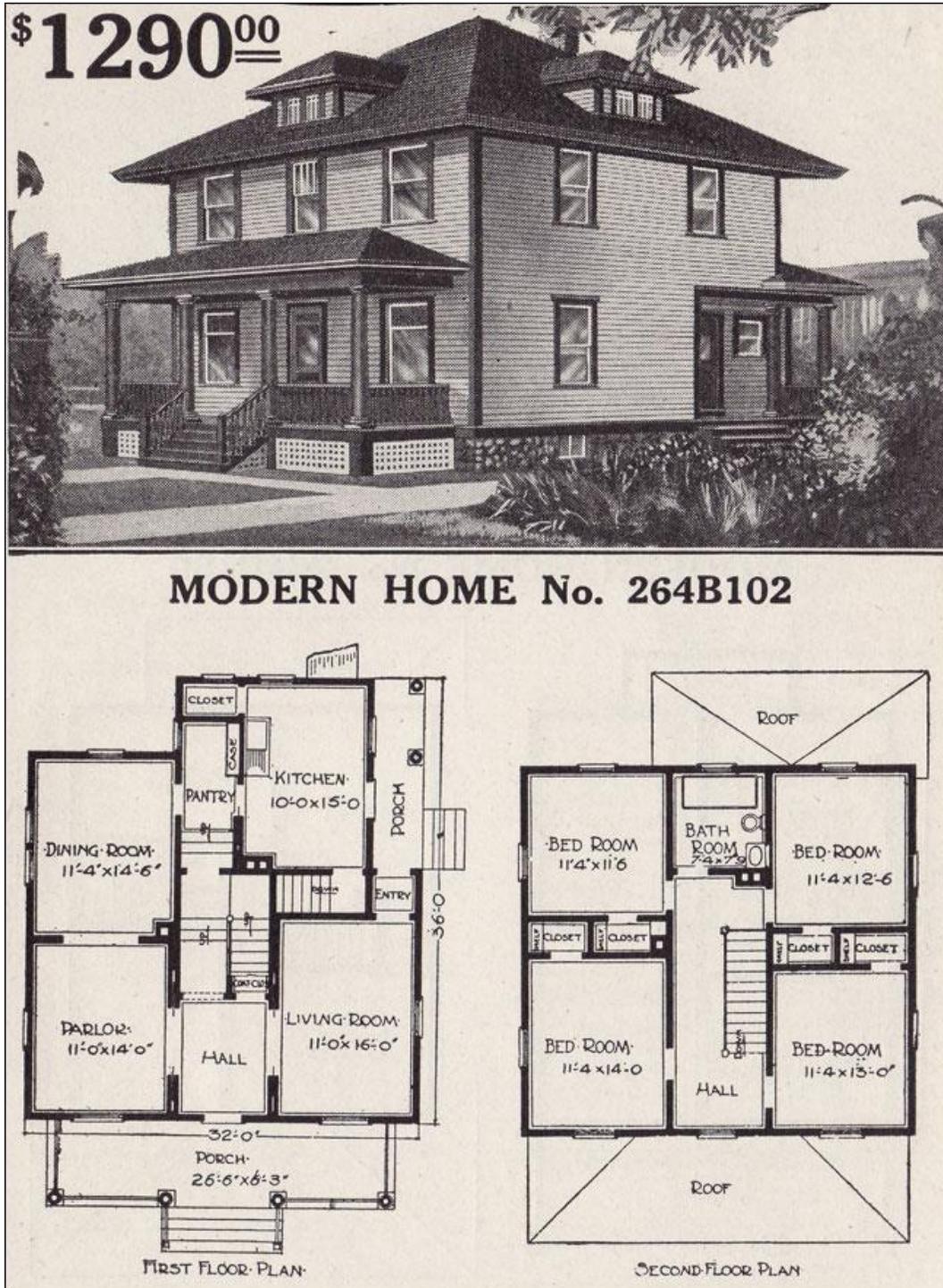
For the purposes of this analysis, the zoning code as relates to ADUs for 16 other cities in Oregon were examined. The Cities selected were either comparable to Eugene in population (between 50,000 and 200,000 population) or location (cities with populations over 2,500 in Lane County.) A brief summary of these city's codes is below.

City	Population	Last Update	Owner Occupancy	Lot Size Minimum	Density	Square Footage	Height Limit	Parking Required
Salem	165,265	2017	No	No	Exempt	900/75%	25 feet	0
Gresham	110,505	2018	No	No	Exempt	750*/50%	Base	1
Hillsboro	101,920	Unclear	No	Legal Lot	Silent	750	Base	1
Beaverton	97,000	2002	No	No	Silent	800/50%	Base	1
Bend	89,505	2018	No	No	Exempt	600*	25 feet	1
Medford	80,375	2018	No	No	Exempt	900/75%	Base	0
Springfield	60,865	2018	No	Legal Lot	Silent	800/100%	Base	1
Corvallis	59,280	2018	Yes	Legal Lot	Silent	900/40%	Base	0
Albany	53,145	2007	Yes	Legal Lot	Silent	750/50%	24 feet	3*
Tigard	52,785	2018	No	No	Silent	800/100%	25 feet	1
Cottage Grove	10,005	2018	No	No	Exempt	800	28 feet	1
Florence	8,795	2018	No	Legal Lot	Exempt	1000/75%	Base	1
Junction City	6,125	2003	Yes	No	Silent	800	25 feet	1
Creswell	5,455	2018	No	No	Exempt	800**	110% of primary	0
Veneta	4,790	2017	No	No	Silent	600/50%	28 feet	3*
Oakridge	3,280	2004	Yes	No	Exempt	800	20 feet	2

- **Lot Size:** “No”- City permits ADU on lot with no reference to lot size. “Legal Lot”- City permits ADUs on lots that meet legal lot requirements elsewhere in the code.
- **Density:** “Exempt”- City explicitly exempts ADUs from residential density minimums and maximums/requirements. “Silent”- The City does not explicitly apply or exempt residential density requirements to ADUs. In most cases, this is in conjunction with language that indicates that density doesn’t need to be considered when permitted ADUs—for example, Section 3.080(4) of the Albany Code: *“One accessory apartment is permitted per primary single-family residence called the ‘primary residence.’”*
- **Square Footage:** Percentages refer to the percentage size in relation to the primary dwelling; no city regulated ADU size based on percentage of the lot other than Eugene. If a different requirement existed for attached and detached ADUs, the detached ADU size is listed, and it is marked with a star.
- **Height:** “Base” means that the code either explicitly or implicitly limited ADU height based on the maximum height of the underlying zone.
- **Parking:** Both Veneta and Albany required a particular number of parking spaces for the property if it included an ADU, as opposed to explicitly requiring an additional space for the ADU. Neither of their codes have yet been updated in light of SB 1051.

Appendix A: A Modern Home

The attached graphic is a floorplan for a 1916 Sears Roebuck Home Design. Depending on how the definition of a “bedroom” in the Eugene code is interpreted, this home design could have between four and eight bedrooms.



Appendix B: Sources and Links to Text

Salem:

- Zoning Code: https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH700SPUSPR_S700.007ACDWUN

Gresham:

- Zoning Code: <https://greshamoregon.gov/Development-Code/>

Hillsboro:

- Zoning Code: <http://qcode.us/codes/hillsboro/view.php?version=beta&view=desktop&topic=12>
- Secondary Dwelling Unit City Flyer: <http://www.hillsboro-oregon.gov/Home/ShowDocument?id=5485>

Beaverton:

- Zoning Code: <https://www.beavertonoregon.gov/DocumentCenter/View/4970/Chapter-60---Special-Requirements?bidId=>
- 7/1/18 “Interested Parties” Memo regarding ADUs: <https://www.beavertonoregon.gov/DocumentCenter/View/23266/ADUs-memo-7-1-18?bidId=>
- Building Code Considerations for Accessory Dwelling Units: <https://www.beavertonoregon.gov/DocumentCenter/View/20534/Accessory-Dwelling-Units-Code-Considerations?bidId=>

Bend:

- Zoning Code: <https://www.codepublishing.com/OR/Bend/html/BendDC03/BendDC0306.html#3.6.200>

Medford:

- Zoning Code: <http://www.ci.medford.or.us/code.asp?codeid=3805>
- ADU Specific Code: <https://www.ci.medford.or.us/files/accessory%20dwelling%20units.pdf>

Springfield:

- Zoning Code: http://qcode.us/codes/springfield-development/view.php?topic=5-5_5_100&showAll=1&frames=on

Corvallis:

- Zoning Code: <https://archives.corvallisoregon.gov/public/0/edoc/1105293/COMPLETE%20LDC%20-%20Amended%2011.05.2018.pdf>
- Ordinance 2018-16: <https://archives.corvallisoregon.gov/public/ElectronicFile.aspx?dbid=0&docid=1036430>
- Corvallis Gazette-Times Article on Phased Approach: https://www.gazettetimes.com/news/housingthemidvalley/an-adu-in-every-backyard-city-tries-to-align-code/article_57833021-4c0f-5d75-a82e-ae6486a5b04e.html
- Prior version of zoning code with lot size minimums for ADUs, removed in Ordinance 2018-16: <https://archives.corvallisoregon.gov/public/0/edoc/1042207/COMPLETE%20LDC%20-%20Amended%20January%2026,%202018.pdf> (p878)

Albany:

- Zoning Code: https://www.cityofalbany.net/images/stories/cd/planning/development_code/03-Article%203-Residential%20Zoning%20Districts.pdf
- 12/5/18 Council Agenda packet and minutes, including draft ADU ordinance:
https://www.cityofalbany.net/images/stories/citycouncil/archive/2018/cc_20181205_agd.pdf
https://www.cityofalbany.net/images/stories/citycouncil/archive/2018/cc_20181205_min.pdf
- 11/8/19 Council Agenda packet, ADU Public Hearing materials and minutes:
https://www.cityofalbany.net/images/stories/citycouncil/archive/2018/cc_20181107_agd.pdf
https://www.cityofalbany.net/images/stories/citycouncil/archive/2018/cc_20181107_min.pdf
- 11/9/19 Albany Democrat-Herald article regarding ADU veto in Albany:
https://democratherald.com/news/local/albany-mayor-again-vetoes-adu-proposal/article_1165d30b-df52-5fd8-ac5c-a221f7946559.html
- 12/6/18 Corvallis Gazette-Times article regarding ADUs in Albany:
https://www.gazettetimes.com/news/local/council-holds-off-on-adu-plan/article_81eb472e-2295-52a2-98e2-0e2e827c9502.html

Tigard:

- Zoning Code: http://www.tigard-or.gov/business/title_18.php
- Ordinance 18-23 amending zoning code: http://www.tigard-or.gov/DevelopmentCode/Ordinance18-23_updates.pdf

Cottage Grove:

- Zoning Code: <https://www.cottagegrove.org/cd/page/cottage-grove-development-code>
- ADU Ordinance:
http://www.cottagegrove.org/sites/default/files/fileattachments/mayor_amp_city_council/meeting/packets/7711/8a.pdf

Florence:

- Zoning Code:
http://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/961/chapter_10_-_restricted_residential.pdf <https://www.ci.florence.or.us/council/title-10-zoning-regulations>

Junction City:

- Zoning Code: http://www.ci.junction-city.or.us/ord/title10/10_11pt4.html
<https://www.codepublishing.com/OR/JunctionCity>
- 2003 ADU Ordinance: <https://www.codepublishing.com/OR/JunctionCity/html/pdfs/1116.pdf>
- 5/2/18 Community Development Committee Minutes, containing SB 1051 recommendation:
https://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBBED%7D/uploads/05-02-18_CDC_Minutes_-_Approved.pdf

Creswell:

- Zoning Code:
http://www.ci.creswell.or.us/sites/default/files/fileattachments/planning/page/731/c_art2_creswell_preview_052306.pdf
- 7/9/18 City Council Meeting Minutes, approving Ordinance No. 514:
http://www.ci.creswell.or.us/sites/default/files/fileattachments/mayor_amp_council/meeting/4192/2018-07-09_city_council_minutes.pdf
- Creswell Chronicle article related to ADUs:
<https://www.thecreswellchronicle.com/story/2018/07/19/news/city-adus-will-help-alleviate-housing-burdens/785.html>
- Ordinance No 514: Copy provided by Creswell City Recorder

Veneta:

- Zoning Code:
https://www.venetaoregon.gov/sites/default/files/fileattachments/planning/page/1252/land_development_ordinance_493_effective_may_11_2017.pdf
- 12/10/18 City Council Agenda/Packet and minutes w/ ADU recommendations (not yet passed):
https://www.venetaoregon.gov/sites/default/files/fileattachments/city_council/meeting/3801/12-10_cc_packet.pdf
https://www.venetaoregon.gov/sites/default/files/fileattachments/city_council/meeting/3801/12-10_cc.pdf

Oakridge:

- Zoning Code:
https://www.ci.oakridge.or.us/sites/default/files/fileattachments/general/page/15001/ord874_land_uses_and_development.pdf

Other:

- ORS 197.312: <https://www.oregonlaws.org/ors/197.312>
- DLCAD ADU Guidance:
https://www.oregon.gov/lcd/Publications/ADU_Guidance_SB1051_2018.pdf
- LUBA: Homebuilders Association of Lane County v. City of Eugene (11/29/18)
<https://www.oregon.gov/LUBA/docs/Opinions/2018/11-18/18063-064.pdf>
- LUBA: Kamps-Hughes v. City of Eugene (11/29/18)
<https://www.oregon.gov/LUBA/docs/Opinions/2018/11-18/18091.pdf>
- Single Family Code Amendments/University Protection Measures- 2013 Public Comments to Planning Commission: <https://www.eugene-or.gov/documentcenter/view/13115>
- City Council Meeting Materials, May 14th 2014 <https://www.eugene-or.gov/documentcenter/view/16216>

HANSEN Alissa H

From: Ted Taylor <juliated@comcast.net>
Sent: Sunday, September 8, 2019 4:40 PM
To: *Eugene Mayor, City Council, and City Manager
Cc: HANSEN Alissa H
Subject: Regarding ADUs and other infill issues

[EXTERNAL 

Dear council and mayor,

As a homeowner and landlord in Eugene, I would like to see the city do much more to remove barriers to infill in Eugene. I have not studied all the code regulations, changes required by HB 2001 and the city's proposed changes, but from my limited perspective I would urge:

- Reduction of the city's minimum lot size for R-1 zoning from 4,500 sq. ft. to 4,000 sq. ft. or less.
- Eliminating the requirement for duplexes to be on corner lots of at least 8,000 sq. ft. Other cities have allowed two-story duplexes or triplexes on much smaller lots.
- Allowing ADUs on properties that are NOT owner-occupied. That current rule really discourages ADUs.

Thanks,
Ted Taylor
2020 McLean Blvd.
Eugene, OR 97405

HANSEN Alissa H

From: Brett Webber <brett.t.webber@gmail.com>
Sent: Saturday, September 7, 2019 7:35 AM
To: HANSEN Alissa H; *Eugene Mayor, City Council, and City Manager
Subject: City Council Position on ADUs

[EXTERNAL 

Hello,

My name is Brett Webber, and I am a resident of the River Road neighborhood. I want to express my support for the City Council reducing restrictions on ADUs in Eugene. I am a homeowner interested in building an ADU as elder-housing for my aging (and not in good health) father. I support the following elements of ADU guidelines:

1. Remove the off-street parking requirement. My elderly father will not likely drive into his old age, so a parking spot is useless to him. Furthermore, our neighborhood has a plethora of street parking which could accommodate parking for another tenant should I have the opportunity to rent to a non-relative.
2. Waive SDC fees - as I am looking to build an affordable structure, this would have a major impact on my budget and allowing me to build it sooner rather than later. Please consider removing SDC fees to encourage homeowners to take action.
3. Affordable housing - Everyone needs affordable housing at some point in their lives: students, young adults, families in crisis, and the elderly. By allowing families to build ADUs, you are allowing us to respond to our needs without taking city resources.

Thank you for your consideration - and I hope the City Council will embrace this opportunity to allow ADUs. I'm not asking the City to build it for me - just to remove barriers to me solving my own need for affordable housing for my community.

Thank you,

Brett Webber
Resident of River Road

HANSEN Alissa H

From: peardaughter . <peardaughter@gmail.com>
Sent: Friday, September 6, 2019 7:20 AM
To: *Eugene Mayor, City Council, and City Manager; HANSEN Alissa H
Subject: ADUs in Eugene

[EXTERNAL 

Hello,

I'm writing to voice my support for more encouraging policies at the city and council level that would support ADU development in our neighborhoods. I support and appreciate the City Council's initial efforts to remove the owner occupancy rule, but they need to go further. I would like to see them remove the off-street parking requirement as well as waive SDC fees (as many other cities have done) to encourage development. This reduce the burden on homeowners and make ADUs a viable alternative to address the affordable housing crisis in Eugene.

I would like to build an ADU in my back yard in order to house my father-in-law who is in poor health without any thoughtful retirement plan. I foresee a day when he will have little social security income and no way to support himself in the next 10 years. Thus, it is appealing to me to build an ADU, rent it for several years to recoup the cost of building, and then have a low-cost housing option for my father-in-law when he retires or can no longer work due to health. ADUs are a viable option for affordable housing that ALL communities should have the option to use for their extended family and community members.

I strongly encourage you to waive the off-street parking rule as well as waive SDC fees for ADU development.

Sincerely,

Ellen Webber
Resident of River Road Neighborhood

HANSEN Alissa H

From: Eliza Kashinsky <eliza@tastypie.org>
Sent: Tuesday, September 3, 2019 7:22 PM
To: *Eugene Mayor, City Council, and City Manager
Cc: HANSEN Alissa H
Subject: ADU Comment- CA 18-1
Attachments: EKADUComment090119.pdf

[EXTERNAL 

Good evening--

I hope your summer recess has been enjoyable. In light of recent decisions/actions at the state that affect ADUs, I have one additional comment to add to the record regarding the proposed ADU ordinance prior to your discussions in two weeks. It is attached. Thank you!

Eliza Kashinsky

Sunday, September 1st, 2019

DELIVERED VIA EMAIL

Eugene Mayor, City Council, and City Manager
City Manager's Office
125 East 8th Ave
Eugene, OR 97401

Re: CA 18-1, Accessory Dwelling Units

Dear Mayor, City Councilors, and City Manager:

As you prepare for your deliberations on changes to Eugene's code related to Accessory Dwelling Units in September, I would like to add some additional input to my two previous comments of [May 15th](#) and [January 27th](#) in light of two recent actions that will likely have impact on this matter. Notably, the State Legislature passed [HB 2001](#), which provides additional information regarding reasonable regulations related to siting and design, and LUBA remanded the City's decision in the second [Kamps-Hughes ADU zone verification request](#). Both of these actions could affect the decisions the Council makes regarding Eugene's ADU code.

The substance of my request remains the same as in previous comments—namely, that Council passes the ordinance removing owner occupancy, with modifications removing additional regulations which are either not related to siting and design or not reasonable. As always, I appreciate the opportunity to share my thoughts on this issue.

Parking

The draft code presented to Council retains Eugene's requirement for an additional off-street parking space associated with an ADU. The City finds that this is related to the siting and design of the ADU. However, HB 2001 clarifies that parking requirements are not regulations related to siting and design. Section 7 of that bill amends ORS 197.312 to include section 5(b)(B) which reads "'Reasonable local regulations relating to siting and design' does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking."

Therefore, the Council should modify the ordinance before it to strike 9.2751(17)(c)15 from the Eugene Code, and strike from table 9.6410 the 1 per dwelling minimum number of required off street parking spaces for accessory dwelling units. This will remove Eugene's requirement for additional off-street parking for ADUs, and ensure compliance with SB 1051 and HB 2001.

Owner-Occupancy

The draft ordinance already includes removing owner-occupancy requirements from the Eugene code; however, much of public testimony surrounding this ordinance has centered on if the City should retain its owner-occupancy requirement. It should not.

HB 2001 settled the question as to if owner-occupancy is a regulation related to siting and design. Section 7, cited above, clarifies that owner-occupancy requirements are not a regulation related to siting and design. However, an argument has been put forward that even if owner-occupancy is not a regulation related to siting and design, it is still permissible as part of the definition of an ADU—that owner occupancy is what makes a unit "accessory" or "connected," as opposed to just a second unit. The fact that the State Legislature chose to include owner-occupancy as one of two types of ADU

regulations it clarified in HB 2001 shows their clear intent that owner-occupancy should not be a criteria for ADUs.

In addition, in *Kamps-Hughes v. City of Eugene (II)* (LUBA No. 2019-028), LUBA found that owner-occupancy is not a methodology to determine if a dwelling is “accessory” or “connected to” a primary dwelling. At issue in that decision was if the second dwelling that Mr. Kamps-Hughes wishes to build on his property is in fact an “accessory dwelling unit” under ORS 197.312(5). In this case, the City argued that Mr. Kamps-Hughes hadn’t shown that the unit in question was “accessory to” or “used in connection with” the primary dwelling, in part because Mr. Kamps-Hughes didn’t guarantee that he would live on the property. LUBA didn’t provide an abundance of clarity as to what *would* demonstrate that a unit was used in connection with or accessory to a primary dwelling when it remanded the City’s rejection of Mr. Kamps-Hughes ADU, and in fact issued a split decision (with the prevailing opinion being that the unit was used in connection with the primary dwelling, and the concurring opinion being that the unit was accessory to the primary dwelling.) However, both the majority and concurring opinion agreed that owner-occupancy was not necessary to show that a unit was accessory or connected to the primary dwelling.

From the majority opinion:

“For purposes of ORS 197.312(5), residential use does not depend upon the identity of the residents or the residents’ legal estate with respect to the residential dwelling structure. That is, neither residence must be occupied by the owner in order for the residential use of the two structures to be in connection with each other.”

From the concurring opinion:

“Traditionally, zoning does not consider whether a structure is occupied by a renter or an owner when describing a use category. A single-family residence is a single-family residence whether occupied by a renter or a homeowner. A multi-family unit is a multi-family unit whether or not the occupant owns or rents the unit. A single-family residence owned for investment purposes remains a single-family residence. The ownership structure is irrelevant to the nature of the use.”

Council should remove owner-occupancy requirements for ADUs from the Eugene code, as outlined in the draft ordinance.

Lot Size Minimums, Application of Density Maximums, Lot Dimensions, and Alley Access Lot Prohibition

HB 2001 did not specifically address if lot size minimums, density limits, lot dimensions, and prohibitions on particular types of lots (such as flag or alley access lots) were reasonable regulations related to siting and design, perhaps because Eugene is somewhat unique in applying these types of restrictions to ADUs. However, the language surrounding duplexes in HB 2001 provides some additional clarity for this question.

The City has argued that regulations that specify the characteristics of a lot that are necessary to permit an ADU qualify as “siting” regulations. In my previous comment, I contended that the legislature, by specifying that each detached single-family home shall be permitted at least one ADU, had intended that the necessary lot characteristics were the ones required to permit a single-family home. In Section

2 (part 2(b)) of HB 2001, the legislature said that cities such as Eugene shall allow the development of “A duplex on *each lot or parcel zoned for residential use* that allows for the development of detached single-family dwellings.” (emphasis added)

Where duplexes are currently permitted in R-1-type zones around the state, a common requirement is to require a larger lot size for the duplex than is required for a single-family dwelling. Eugene requires that duplexes in R-1 be on corner lots of at least 8,000 square feet, compared to 4,500 square feet required for a single-family dwelling. By specifying that each lot that allows a detached single-family home must also permit a duplex, the Legislature is rejecting the idea that lot characteristics such as lot size minimums can be used to prohibit duplexes. This adds support to the interpretation that the language in SB 1051 allowing reasonable regulations related to siting and design was not intended to include lot characteristics such as lot size as regulations related to “siting.”

If nothing else, at some point in the next three years, the City will need to revise its zoning code to permit two units (in the form of a duplex) on all lots in residential zones that allow detached single-family homes, regardless of lot size or density maximums. It seems unreasonable to allow two-homes-in-the-form-of-a-duplex on a 5,500 square foot lot but prohibiting two-homes-in-the-form-of-a-primary-and-accessory-dwelling on the same lot.

Therefore, the city should remove regulations that prohibit ADUs, but not single-family homes, based on the characteristics of the lot. This includes striking sections 9.2751(17)(a)1 and 9.2751(17)(c)5 (lot size minimums); striking the words “including secondary dwellings” from table 9.2740 in Residential Dwelling text, striking 9.2751(1)(a)1 and adding 9.2751(1)(f) “Accessory Dwelling Units are exempt from the minimum and maximum residential density standards set forth in Table 9.2750” (density); striking the words “except that new secondary dwellings are prohibited on alley access lots” from 9.2741(2) and the words “except that there is no allowance for a secondary dwelling” from 9.2751(18)(a)2 (alley access lots); and striking 9.2751(17)(c)2 (university lot dimensions.)

Renaming of ADUs in special area zones

In light of HB 2001 requirement that each lot that allows a detached single-family home also permit a duplex, the rationale behind not allowing ADUs to be called ADUs in the S-C and S-JW zones becomes even weaker. This is discussed more in-depth in previous comments; however, the primary motivation appears to be to ensure that homes on lots between 2,250 square feet and 4,499 square feet in the medium-density S-JW zone--which currently allow one dwelling, but not two--would not be permitted to construct a second dwelling in the form of an ADU. Given HB 2001’s mandate that all lots which permit a detached single-family home also permit a duplex, within three years these lots would be able to add a second dwelling anyway, regardless of what it is called. Therefore, it is recommended that this language not be reimplemented, as it just adds confusion to an already confusing and difficult discussion. *(Remove section 10 and section 17 from the proposed ordinance.)*

Sloped setbacks, size limits based on lot size, outdoor storage screening, separate lot coverage standards in the University area

Neither Kamps-Hughes II nor HB 2001 provided much additional clarity as to what types of regulations related to siting and design would be considered “reasonable.” While I agree with the City’s findings that sloped setback requirements, size limits on ADUs that are based on the size of the lot, outdoor storage/trash screening requirements, and the separate lot coverage standards in the University areas can justifiably be considered related to siting and design, I would disagree that they are reasonable, and

would urge the City to remove these regulations. My previous comments provide more in-depth rational and code citations.

Conclusion

The City has spent over two years wrestling with the requirements surround ADUs put forward in SB 1051. With the passage of HB 2001, we can no longer afford to drag the ADU debate out any further. Simply passing the ordinance before you to remove owner occupancy and other clearly impermissible regulations is a positive step, but it leaves many other steps undone. I urge you to remove the questionable regulations on ADUs from the Eugene code.

I thank you for your time and attention to this issue.

Eliza Kashinsky
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541-799-7102

HANSEN Alissa H

From: Shawn Kahl <shawnkahl@gmail.com>
Sent: Wednesday, August 28, 2019 8:58 AM
To: *Eugene Mayor, City Council, and City Manager; HANSEN Alissa H
Subject: ADU comment for City Council Public Forum

[EXTERNAL 

Hello,

My name is Shawn Kahl and I reside in Eugene, Ward 1. I am writing in support of changing the current ordinance regarding Land Use Code Amendments for Secondary/Accessory Dwellings, Senate bill 1051.

As a homeowner in Eugene, I would like to see more affordable housing options outside of large multi-plex units. I would also like to see people have more individual freedom to utilize their lots in a way that makes sense for them. I, myself, have considered adding a mother in-law cottage on my lot at 1040 West 17th Ave, but would be prohibited from doing so under the current ordinance.

I would like to see conditions such as off-street parking, lot size minimum, and type of lot changed to allow more structural development of additional dwellings.

Thank you,
Shawn Kahl

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Thank you,

Shawn Kahl
Eugene, OR